

County Auditors in all counties having a population of not less than twenty-nine thousand, four hundred (29,400) nor more than twenty-nine thousand, five hundred (29,500); and providing that if any portion of this Act be declared unconstitutional or invalid, the remainder shall not be affected thereby, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 922, "An Act authorizing any county having title to a plot of ground used for public purposes, the area of which is in excess of the needs of the county for its public purposes, to sell such excess or any part thereof at private sale for any fair consideration and approved by its Commissioners' Court to the United States of America under the provisions of its Statutes; authorizing the acquisition of sites for public buildings; vesting in the Commissioners' Court the power to make such sales and prescribing its procedure in regard thereto and how and by whom conveyance is to be made in carrying out any such sale; validating and legalizing all proceedings and orders heretofore had and made by the Commissioners' Court of any county undertaking to make any such sale to the United States of America as well as any deed executed and delivered or hereafter executed and delivered, carrying out any such sale; providing the Commissioners' Court shall incorporate in any deed of conveyance to the United States of America a provision reserving concurrent jurisdiction over said lands for the purpose of serving all State criminal and civil process, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

May 11, 1939

House Concurrent Resolution No. 89.
House Bill No. 1014.
House Bill No. 996.

May 12, 1939

House Bill No. 196.
House Bill No. 108.
House Bill No. 957.
House Bill No. 956.
House Bill No. 946.
House Bill No. 945.
House Bill No. 697.
House Bill No. 637.
House Bill No. 988.
House Bill No. 959.
House Bill No. 1012.
House Bill No. 548.
House Concurrent Resolution No. 143.
House Concurrent Resolution No. 141.
House Concurrent Resolution No. 140.

SEVENTY-SECOND DAY

(Monday, May 15, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Chambers
Allen	Clark
Allison	Cleveland
Alsup	Cockrell
Anderson	Coleman
Bailey	Colquitt
Baker	Colson, Mrs.
of Fort Bend	Cornett
Baker of Grayson	Corry
Bell	Daniel
Blankenship	Davis of Jasper
Boethel	Davis of Upshur
Bond	Dean
Boyd	Derden
Boyer	Dickison
Bradbury	Dickson
Bradford	Donaghey
Bray	Dowell
Bridgers	Dwyer
Broadfoot	Faulkner
Brown of Cherokee	Felty
Brown	Ferguson
of Nacogdoches	Fuchs
Bundy	Galbreath
Burkett	Gilmer
Burney	Goodman
Cauthorn	Gordon, Mrs.
Celaya	Hale

Hamilton	Pace
Hankamer	Petsch
Hardeman	Pevehouse
Hardin	Piner
Harp	Pope
Harper	Ragsdale
Harrell of Bastrop	Reader of Bexar
Harrell of Lamar	Reader of Erath
Harris	Reaves
Hartzog	Reed
Heflin	Rhodes
Holland	Riviere
Howard	Roach
Howington	Roberts
Hull	Robinson
Isaacks	Russell
Johnson of Ellis	Schuenemann
Johnson of Tarrant	Segrist
Keith	Shell
Kennedy	Skiles
Kern	Smith of Frio
Kerr	Smith of Hopkins
Kersey	Smith
Kinard	of Matagorda
King	Spencer
Langdon	Stinson
Lehman	Stoll
Leonard	Talbert
Leyendecker	Tarwater
Little	Taylor
Lock	Thornberry
Loggins	Thornton
London	Turner
Mays	Vale
McAlister	Vint
McDaniel	Voigt
McDonald	Waggoner
McFarland	Weldon
McMurry	Wells
McNamara	Westbrook
Mohrmann	White
Monkhouse	Wilson
Montgomery	Winfree
Morris	Wood
Newell	Worley
Nicholson	Wright
Oliver	

Absent—Excused

Crossley	Hunt
Fielden	Tennant

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Lord, Thou hast been good to us since we last gathered here. Many have been called from earthly scenes, but we are spared for worthy tasks which challenge our greatest understanding and courage. Do Thou be with us in these trying days, and make clear unto us the best ways. In Jesus' name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Hunt for today, on motion of Mr. Smith of Hopkins.

Mr. Crossley for today, on motion of Mr. Burkett.

Mr. Tennant for this morning, on motion of Mr. Talbert.

The following Member was granted leave of absence on account of illness:

Mr. Fielden for today, on account of illness in his family, on motion of Mr. Lehman.

SENATE BILL NO. 325 RE-COMMITTED

Mr. Reader of Bexar moved that Senate Bill No. 325 be recommitted to the Committee on Municipal and Private Corporations.

(Pending consideration of the motion to recommit, Mr. Leonard occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Dickison moved to table the motion to recommit.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—28

Allison	Heflin
Anderson	Howard
Bell	Little
Boethel	London
Boyer	McNamara
Chambers	Montgomery
Clark	Morris
Cockrell	Ragsdale
Dean	Roach
Dickison	Smith of Hopkins
Donaghey	Thornton
Dwyer	Wells
Fuchs	White
Gordon, Mrs.	Winfree

Nays—41

Bailey	Dickson
Bradbury	Dowell
Broadfoot	Felty
Brown of Cherokee	Galbreath
Burkett	Goodman
Burney	Hamilton
Cauthorn	Hankamer
Cleveland	Hardeman
Colquitt	Harrell of Lamar
Davis of Upshur	Harris

Holland	Piner
Howington	Pope
Kersey	Reader of Bexar
Mays	Reaves
McDaniel	Rhodes
McFarland	Stoll
Mohrmann	Thornberry
Newell	Vint
Pace	Worley
Petsch	Wright
Pevehouse	

Present—Not Voting

Allen	Kerr
Alsup	King
Baker	Langdon
of Fort Bend	Lehman
Boyd	Leonard
Bray	Lock
Bridgers	McDonald
Brown	Oliver
of Nacogdoches	Reader of Erath
Coleman	Reed
Cornett	Roberts
Faulkner	Russell
Ferguson	Smith of Frio
Gilmer	Spencer
Hale	Tarwater
Hardin	Taylor
Harp	Turner
Harper	Waggoner
Johnson of Ellis	Weldon
Johnson of Tarrant	Westbrook
Keith	Wilson
Kennedy	Wood
Kern	

Absent

Baker of Grayson	Leyendecker
Blankenship	Loggins
Bond	McAlister
Bradford	McMurry
Bundy	Monkhouse
Celaya	Nicholson
Colson, Mrs.	Riviere
Corry	Robinson
Daniel	Schuenemann
Davis of Jasper	Segrist
Derden	Shell
Harrell of Bastrop	Skiles
Hartzog	Stinson
Hull	Talbert
Isaacks	Vale
Kinard	

Absent—Excused

Crossley	Smith
Fielden	of Matagorda
Hunt	Tennant
	Voigt

Question then recurring on the motion to recommit Senate Bill No. 325 to the Committee on Municipal and

Private Corporations, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—35

Anderson	Howington
Bailey	Kersey
Bond	Mays
Bradbury	McDaniel
Brown of Cherokee	McFarland
Burney	Mohrmann
Cauthorn	Newell
Cleveland	Pace
Colquitt	Petsch
Davis of Upshur	Piner
Dowell	Reader of Bexar
Felty	Reaves
Galbreath	Rhodes
Hankamer	Stoll
Hardeman	Thornberry
Harrell of Lamar	Vint
Harris	Worley
Holland	

Nays—30

Allison	Keith
Bell	Kerr
Boethel	Little
Boyer	London
Chambers	McNamara
Clark	Montgomery
Cockrell	Pope
Dean	Ragsdale
Dickison	Roach
Donaghey	Smith of Hopkins
Dwyer	Thornton
Fuchs	Wells
Gordon, Mrs.	White
Heflin	Winfree
Howard	Wright

Present—Not Voting

Allen	Johnson of Tarrant
Alsup	Kennedy
Baker	Kern
of Fort Bend	King
Bray	Langdon
Bridgers	Lehman
Brown	Leonard
of Nacogdoches	Leyendecker
Burkett	Lock
Coleman	McDonald
Cornett	Oliver
Daniel	Reader of Erath
Faulkner	Reed
Ferguson	Riviere
Gilmer	Roberts
Goodman	Russell
Hale	Smith of Frio
Hardin	Spencer
Harp	Tarwater
Harper	Taylor
Johnson of Ellis	Turner

Waggoner
Weldon

Westbrook
Wood

Absent

Baker of Grayson	Kinard
Blankenship	Loggins
Boyd	McAlister
Bradford	McMurry
Broadfoot	Monkhouse
Bundy	Morris
Celaya	Nicholson
Colson, Mrs.	Pevehouse
Corry	Robinson
Davis of Jasper	Schuenemann
Derden	Segrist
Dickson	Shell
Hamilton	Skiles
Harrell of Bastrop	Stinson
Hartzog	Talbert
Hull	Vale
Isaacks	Wilson

Absent—Excused

Crossley	Smith
Fielden	of Matagorda
Hunt	Tennant
	Voigt

RELATIVE TO SENATE BILL NO. 427

Mr. Thornton asked unanimous consent of the House, that Senate Bill No. 427 be set for pending special order at 10:30 o'clock a. m., tomorrow.

There was no objection offered and it was so ordered.

BILL RE-REFERRED

Mr. Kersey moved that House Bill No. 453 be withdrawn from the Committee on Liquor Traffic and referred to the Committee on State Affairs.

Mr. Boyer moved to table the motion to re-refer.

Mr. Wood raised a point of order, on further consideration of the motion by Mr. Kersey, at this time, on the ground that the routine motion period has expired.

The Speaker overruled the point of order.

Question then recurring on the motion to table, it was lost.

Question then recurring on the motion to re-refer House Bill No. 453, it prevailed.

MOTIONS TO INSTRUCT COMMITTEE ON LIQUOR TRAFFIC

Mr. Davis of Upshur moved that the Committee on Liquor Traffic be

instructed to report House Bill No. 499 immediately.

Mr. Bell moved to table the motion by Mr. Davis of Upshur.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—70

Baker	Kerr
of Fort Bend	Kersey
Bell	King
Boethel	Langdon
Boyd	Lehman
Boyer	Leyendecker
Bradbury	Little
Bradford	London
Bray	McAlister
Bridgers	McFarland
Bundy	McNamara
Cauthorn	Mohrmann
Clark	Monkhouse
Cockrell	Montgomery
Coleman	Morris
Colquitt	Oliver
Daniel	Petsch
Davis of Jasper	Piner
Dean	Reader of Erath
Derden	Reed
Donaghey	Riviere
Dowell	Robinson
Faulkner	Smith of Hopkins
Ferguson	Spencer
Fuchs	Stinson
Gilmer	Stoll
Gordon, Mrs.	Talbert
Hankamer	Taylor
Hardeman	Thornton
Harp	Turner
Harrell of Bastrop	Vale
Harris	Westbrook
Holland	Wilson
Howard	Winfree
Keith	Wood
Kennedy	

Nays—37

Allen	Hale
Allison	Hamilton
Alsup	Hardin
Bailey	Harper
Bond	Harrell of Lamar
Broadfoot	Howington
Brown of Cherokee	Kern
Brown	Lock
of Nacogdoches	Mays
Chambers	Newell
Cleveland	Pevehouse
Cornett	Reaves
Davis of Upshur	Rhodes
Galbreath	Roach

Roberts
Russell
Tarwater
Thornberry
Vint

Weldon
Wells
White
Worley
Wright

Present—Not Voting

Smith
of Matagorda

Absent

Anderson	Johnson of Tarrant
Baker of Grayson	Kinard
Blankenship	Leonard
Burkett	Loggins
Burney	McDaniel
Celaya	McDonald
Colson, Mrs.	McMurry
Corry	Nicholson
Dickison	Pace
Dickson	Pope
Dwyer	Ragsdale
Felty	Reader of Bexar
Goodman	Schuenemann
Hartzog	Segrist
Heflin	Shell
Hull	Skiles
Isaacks	Smith of Frio
Johnson of Ellis	Waggoner

Absent—Excused

Crossley	Voigt
Fielden	Tennant
Hunt	

Mr. Davis of Upshur moved that the Committee on Revenue and Taxation be instructed to report House Bill No. 497 immediately.

Mr. Kerr moved to table the motion by Mr. Davis of Upshur.

The motion to table was lost.

Question then recurring on the motion by Mr. Davis of Upshur, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—72

Allen	Daniel
Allison	Davis of Upshur
Alsup	Dickison
Bailey	Faulkner
Bond	Ferguson
Boyd	Fuchs
Bradbury	Galbreath
Broadfoot	Hale
Brown of Cherokee	Hamilton
Brown of Nacogdoches	Hardeman
Cleveland	Harp
Cockrell	Harper
Colquitt	Heflin
Cornett	Holland

Howington
Isaacks
Kennedy
Kern
Kersey
King
Langdon
Lehman
Leyendecker
Lock
McFarland
Monkhouse
Montgomery
Morris
Newell
Oliver
Pace
Petsch
Piner
Reader of Erath
Reaves
Rhodes

Roach
Roberts
Russell
Skiles
Smith
of Matagorda
Spencer
Stinson
Stoll
Talbert
Tarwater
Thornberry
Turner
Vint
Weldon
Wells
Westbrook
White
Wilson
Winfree
Wood
Wright

Nays—29

Baker of Fort Bend	Johnson of Tarrant
Boethel	Kerr
Boyer	Kinard
Bradford	McAlister
Bray	McDaniel
Bundy	McNamara
Clark	Mohrmann
Donaghey	Nicholson
Felty	Pevehouse
Gordon, Mrs.	Reader of Bexar
Hankamer	Reed
Harris	Robinson
Howard	Taylor
Hull	Thornton
	Vale

Absent

Anderson	Harrell of Lamar
Baker of Grayson	Hartzog
Bell	Johnson of Ellis
Blankenship	Keith
Bridgers	Leonard
Burkett	Little
Burney	Loggins
Cauthorn	London
Celaya	Mays
Chambers	McDonald
Coleman	McMurry
Colson, Mrs.	Pope
Corry	Ragsdale
Davis of Jasper	Riviere
Dean	Schuenemann
Derden	Segrist
Dickson	Shell
Dowell	Smith of Frio
Dwyer	Smith of Hopkins
Gilmer	Waggoner
Goodman	Worley
Harrell of Bastrop	

Absent—Excused

Crossley
Fielden
Hunt

Tennant
Voigt

HOUSE BILL NO. 933 WITH SENATE AMENDMENTS

Mr. Morris called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 933, A bill to be entitled "An Act making an appropriation for the next biennium, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State; making allocations of said appropriation, setting forth the benefits thereof; authorizing aid to such schools in accordance with the conditions specified herein; etc., and declaring an emergency."

Mr. Morris moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

Mr. Allison moved as a substitute motion that the House concur in the Senate amendments.

On motion of Mr. Morris, the substitute motion by Mr. Allison was tabled.

Question then recurring on the motion by Mr. Morris that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill, it prevailed.

(Pending consideration of the motion by Mr. Morris, Mr. Leonard occupied the Chair temporarily.)

(Speaker in the Chair.)

HOUSE BILL NO. 926 WITH SENATE AMENDMENTS

Mr. Alsup called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 926, A bill to be entitled "An Act appropriating the sum of Eight Hundred Eighty Thousand, Three Hundred Thirty-two (\$880,332.00) Dollars per year, or so much thereof as may be necessary for the next biennium beginning September

1, 1939, and ending August 31, 1941, from the General Revenue Fund for the purpose of promoting public school interests and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, general rehabilitation and rehabilitation for crippled children according to the Federal Laws governing vocational education, all of which shall be matched by Federal funds; etc., and declaring an emergency."

Mr. Alsup moved that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

PROPOSED AMENDMENT TO THE HOUSE RULES

Mr. Hankamer offered the following resolution:

H. S. R. No. 274, Proposed amendment to Section 8 of Rule 12 of the House Rules.

Be it resolved, That Section 8 of Rule 12, House Rule, be amended by adding a new paragraph thereto to read, as follows:

It shall not be in order to announce or record pairs on the passage of Senate Joint Resolutions or House Joint Resolutions proposing amendments to the Constitution. Members absent at the time votes are taken on the passage of joint resolutions may publish in the Journal how they would have voted had they been present and may also publish their reasons therefor.

The resolution was read second time, and was referred, by the Speaker, to the Committee on Rules.

TO REQUEST GOVERNOR TO RECOMMEND CERTAIN LEGISLATION

Mr. Reaves offered the following resolution:

H. S. R. No. 279, To request Governor to recommend certain legislation.

Whereas, More than one hundred and twenty (120) days has passed since the convening of the Legislature; and

Whereas, The number one problem, to-wit, financing old age assistance, has not been accomplished by the Legislature; and

Whereas, Each Member of this body is thoroughly anxious that such problem be solved in the manner that will meet the approbation of the public and as well accomplish the purposes expressed in Section 51b of Article 3 of the Constitution; and

Whereas, During the summer of 1938, when campaigning for Governor, the present incumbent expressed by radio his disapproval and opposition to any form of sales tax; and

Whereas, His initial message to the Legislature suggested a Constitutional amendment embodying a transaction tax; and

Whereas, Such suggestion failed to meet the approval of the Legislature; and

Whereas, As an alternative the Governor approved and by message sought to have passed Senate Joint Resolution No. 12 providing for a sales tax and other forms of taxation; and

Whereas, The Governor admitted in his messages that he had changed his mind about the levying of a tax embodying sales tax features and sought to justify his change by asserting that we had come to the point where there must be concessions made by all parties; and

Whereas, Senate Joint Resolution No. 12 has been discussed on many occasions and has thus far failed of approval by the Legislature based upon the fact that many Members are opposed to a sales tax in any form and other Members are opposed to freezing into the Constitution or fundamental law any revenue raising measures; and

Whereas, Due to this combination of opposition it is not thought that any Constitutional amendment providing for the levying of taxes to accomplish problem number one of this Legislature will ever be possible of passage; and

Whereas, It has now reached the point where some form of taxation, by statute, should be enacted; and

Whereas, Section 51b of Article 3 of the Constitution provides and authorizes the passage of such statutory enactment; and

Whereas, It is deemed wise and expedient by many Members of the Legislature that this body studiously and earnestly apply their efforts to the passage of some statute having a broad base and sufficient in every way to provide for old age assistance

including other forms of Social Security; now, therefore, be it

Resolved by the House of Representatives, That the Governor of this State be requested to again change his mind and to assist, by cooperative methods and by his Sunday morning address over the radio, in the passage of some form of statute levying taxes on luxuries and those things not deemed essential or necessities and a reasonable increase in taxes on natural resources and utilities be levied and that such Act be passed promptly as a means of accomplishing the purposes of the various Constitutional amendments providing for old age assistance, assistance to the needy blind, delinquent children, and teachers' retirement and that the Governor be requested to take the lead in the formulation and passage of such an Act to the end that the great State of Texas may be able to say that its Legislature has, by diligence and perseverance, accomplished and solved by legislation its problem number one, and it is so resolved.

The resolution was read second time.

Mr. Broadfoot moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—54

Allison	Johnson of Tarrant
Alsup	Kern
Bailey	Kinard
Boethel	Lehman
Bond	Leonard
Boyer	Little
Bradford	Lock
Bray	McAlister
Bridgers	McFarland
Broadfoot	McMurry
Brown of Cherokee	Montgomery
Bundy	Nicholson
Burkett	Pace
Celaya	Petsch
Clark	Reader of Bexar
Cleveland	Reed
Davis of Jasper	Rhodes
Dean	Roberts
Donaghey	Segrist
Ferguson	Smith of Hopkins
Hankamer	Stinson
Hardin	Talbert
Hartzog	Taylor
Howard	Thornton
Hull	Vale

Westbrook
Winfree

Wood
Wright

Nays—53

Allen	Keith
Baker	Kennedy
of Fort Bend	Kerr
Bell	Kersey
Boyd	King
Bradbury	Langdon
Brown	Leyendecker
of Nacogdoches	Mays
Cauthorn	Mohrmann
Chambers	Monkhouse
Cockrell	Morris
Coleman	Pevehouse
Colquitt	Piner
Cornett	Reader of Erath
Daniel	Reaves
Davis of Upshur	Riviere
Derden	Roach
Dowell	Robinson
Fuchs	Russell
Galbreath	Smith of Frio
Hale	Stoll
Hamilton	Tarwater
Harp	Thornberry
Harper	Vint
Harrell of Bastrop	Wells
Harris	White
Howington	Worley
Isaacks	

Present—Not Voting

Gordon, Mrs.	Weldon
Spencer	

Absent

Anderson	Loggins
Baker of Grayson	London
Blankenship	McDaniel
Burney	McDonald
Colson, Mrs.	McNamara
Corry	Newell
Dickison	Oliver
Dickson	Pope
Dwyer	Ragsdale
Faulkner	Schuenemann
Felty	Shell
Gilmer	Skiles
Goodman	Smith
Hardeman	of Matagorda
Harrell of Lamar	Turner
Heflin	Waggoner
Holland	Wilson
Johnson of Ellis	

Absent—Excused

Crossley	Tennant
Fielden	Voigt
Hunt	

EXPRESSING SYMPATHY OF THE
HOUSE TO HONORABLE
CLAUDE D. TEER

Mr. Morris offered the following resolution:

H. S. R. No. 282, Expressing sympathy of the House to Hon. Claude D. Teer.

Whereas, The Members of the House of Representatives have learned of the illness of Honorable Claude D. Teer, Chairman of the Board of Control; and

Whereas, We deeply regret that he is ill and unable to be at his office; now, therefore, be it

Resolved by the House of Representatives, That we extend to Mr. Teer our sincere good wishes for a speedy recovery; and, be it further

Resolved, That the Chief Clerk be instructed to order flowers sent to the Honorable Claude D. Teer, and also to transmit to him a copy of this resolution.

MORRIS,
THORNTON,
GOODMAN.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Boethel, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurtry, McNamara, Mohrmann, Monkhouse, Montgomery, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath,

Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuene-mann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Harris, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration, at this time, House Concurrent Resolution No. 144, by Mr. McFarland, to grant Mr. and Mrs. T. J. Sharp permission to sue the State.

The resolution having heretofore been read second time, and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was then adopted.

AUTHORIZING CERTAIN CORREC- TION IN HOUSE BILL NO. 28

Mr. Petsch offered the following resolution:

H. C. R. No. 147, Authorizing certain correction in House Bill No. 28.

Whereas, House Bill No. 28 has passed the House and Senate; and

Whereas, The following words "Revised Civil Statutes of Texas, 1925", were inadvertently omitted in the first line of Section 1; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Enrolling Clerk of the House be instructed to insert these words between "1939" and "shall" in line 1 of Section 1 of said bill.

The resolution was read second time, and was adopted.

RECALLING SENATE BILL NO. 181 FROM THE GOVERNOR

Mr. Thornton offered the following resolution:

H. C. R. No. 148, Recalling Senate Bill No. 181 from the Governor.

Whereas, Senate Bill No. 181, by Kelley, has finally passed both the House and the Senate, and has been sent to the Governor; and

Whereas, In order to give full force and effect to the provisions of said bill, it is necessary to make several corrective changes therein; now, therefore, be it

Resolved by the House of Representatives, the Senate of Texas concurring, That the Governor be and he is hereby requested to return Senate Bill No. 181 to the House of Representatives for further consideration, and that the Speaker of the House and the Chief Clerk of the House, the Lieutenant Governor and the Clerk of the Senate be requested to erase their names from said bill.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 1079 ON SECOND READING

On motion of Mrs. Colson (on Mr. Boethel's suspension), the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 1079.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 1079, A bill to be entitled "An Act to aid the San Jacinto River Conservation and Reclamation District embracing the Counties of Montgomery, Walker, San Jacinto, and all that part of Liberty County embraced in the San Jacinto Watershed in carrying out the powers, duties and functions conferred upon such District by the Legislature; granting and donating to such District, with limitations, for a period of twenty (20) years, fifty (50%) per cent of all the State ad valorem taxes for General Revenue purposes upon the property and from persons in counties comprising in whole or in part such District, and declaring an emergency."

The bill was read second time.

Mr. Wood raised a point of order, on further consideration of House Bill No. 1079, on the ground that a similar proposition has been heretofore defeated by the House.

The Speaker overruled the point of order.

Mr. McAlister offered the following amendment to the bill:

Amend House Bill No. 1079, Section 2, by changing the words and figures "20 years" to "10 years".

The amendment was adopted.

Mr. White offered the following amendment to the bill:

Amend House Bill No. 1079, at the proper place, "to remit 50% of the State ad valorem tax to Bowie County Levee Districts Nos. 1 and 2".

Mr. Alsup raised a point of order, on consideration of the amendment by Mr. White, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Mr. Harris moved that House Bill No. 1079 be tabled.

The motion to table was lost.

Mr. Lehman moved to postpone further consideration of House Bill No. 1079 until 10:30 o'clock a. m., next Monday.

Mrs. Colson moved to table the motion to postpone.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—78

Allen	Felty
Allison	Galbreath
Alsup	Gilmer
Baker	Goodman
of Fort Bend	Gordon, Mrs.
Baker of Grayson	Hankamer
Bell	Hardeman
Blankenship	Hardin
Boethel	Harp
Boyer	Harper
Bradford	Hartzog
Bundy	Heflin
Burney	Holland
Celaya	Howard
Chambers	Isaacks
Cleveland	Johnson of Ellis
Cockrell	Johnson of Tarrant
Coleman	Kennedy
Colson, Mrs.	Kinard
Corry	King
Daniel	Leonard
Davis of Jasper	Little
Dean	Lock
Donaghey	McAlister
Faulkner	McDaniel

McDonald	Roberts
McFarland	Robinson
McMurry	Schuenemann
McNamara	Shell
Mohrmann	Smith of Frio
Monkhouse	Stinson
Montgomery	Tarwater
Newell	Taylor
Oliver	Thornton
Petsch	Vale
Pevehouse	Voigt
Pope	Westbrook
Ragsdale	Winfree
Reader of Bexar	Worley
Reed	

Nays—49

Bailey	Morris
Bond	Nicholson
Boyd	Pace
Bradbury	Piner
Bray	Reader of Erath
Brown of Cherokee	Rhodes
Brown	Riviere
of Nacogdoches	Roach
Burkett	Russell
Cauthorn	Segrist
Clark	Skiles
Colquitt	Smith of Hopkins
Cornett	Smith
Derden	of Matagorda
Dowell	Spencer
Ferguson	Stoll
Hale	Talbert
Hamilton	Thornberry
Harrell of Bastrop	Vint
Harris	Waggoner
Howington	Weldon
Kern	Wells
Kerr	White
Langdon	Wood
Lehman	Wright
London	

Present—Not Voting

Davis of Upshur	Reaves
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Absent

Anderson	Hull
Bridgers	Keith
Broadfoot	Kersey
Dickison	Leyendecker
Dickson	Loggins
Dwyer	Mays
Fuchs	Turner
Harrell of Lamar	Wilson

Absent—Excused

Crossley	Hunt
Fielden	Tennant

Mr. Montgomery moved the previous question, on the engrossment of House Bill No. 1079, and the main question was ordered.

House Bill No. 1079 was then passed to engrossment by the following vote:

Yeas—73

Anderson	King
Baker	Leonard
of Fort Bend	Leyendecker
Baker of Grayson	Little
Bell	Lock
Blankenship	Loggins
Boethel	McAlister
Boyer	McDaniel
Bradford	McDonald
Bundy	McNamara
Burney	Mohrmann
Celaya	Monkhouse
Chambers	Montgomery
Cleveland	Newell
Cockrell	Oliver
Colson, Mrs.	Pevehouse
Corry	Pope
Daniel	Ragsdale
Davis of Jasper	Reader of Bexar
Dean	Reed
Donaghey	Riviere
Dwyer	Roberts
Galbreath	Robinson
Gilmer	Schuenemann
Gordon, Mrs.	Shell
Hankamer	Smith of Frio
Hardin	Smith
Harp	of Matagorda
Harper	Stinson
Harrell of Bastrop	Tarwater
Hartzog	Taylor
Heflin	Thornton
Holland	Vale
Howard	Voigt
Johnson of Ellis	Westbrook
Johnson of Tarrant	Winfree
Kennedy	Wright
Kinard	

Nays—56

Allison	Hale
Bailey	Hamilton
Bond	Hardeman
Boyd	Harris
Bradbury	Howington
Bray	Isaacks
Bridgers	Keith
Brown of Cherokee	Kern
Brown	Kerr
of Nacogdoches	Kersey
Burkett	Langdon
Cauthorn	Lehman
Clark	London
Colquitt	McFarland
Cornett	McMurry
Davis of Upshur	Morris
Derden	Nicholson
Dickison	Pace
Dowell	Reader of Erath
Faulkner	Rhodes
Ferguson	Roach

Russell	Vint
Segrist	Waggoner
Skiles	Weldon
Smith of Hopkins	Wells
Spencer	White
Stoll	Wood
Talbert	Worley
Thornberry	

Present—Not Voting

Coleman	Reaves
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Absent

Allen	Harrell of Lamar
Alsup	Hull
Broadfoot	Mays
Dickson	Petsch
Felty	Piner
Fuchs	Turner
Goodman	Wilson

Absent—Excused

Crossley	Hunt
Fielden	Tennant

Mrs. Colson moved to reconsider the vote by which the bill was engrossed, and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILL NO. 224 ON SECOND READING

On motion of Mr. Hartzog, the regular order of business was suspended, to take up, and have placed on its second reading and passage to third reading, Senate Bill No. 224.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 224, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five (5) years beginning with the taxable year 1939 all the State ad valorem taxes, not heretofore donated or appropriated to any county, district, city or other political subdivision, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes on rolling stock belonging to railroad companies, for the use of each respective county for the purposes of constructing improvements to prevent soil erosion, flood control, irrigation and drainage projects, reforestation and road building and further providing that said taxes shall be levied, assessed and collected, etc., and declaring an emergency."

The bill was read second time.

Question—Shall Senate Bill No. 224 pass to third reading?

MESSAGE FROM THE SENATE

Austin, Texas, May 15, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 255.

The following have been appointed, on the part of the Senate: Senators Roberts, Lanning, Metcalfe, Stone of Washington and Weinert.

The Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 904.

The following have been appointed, on the part of the Senate: Senators Van Zandt, Cotten, Lemens, Shivers and Kelley.

Adopted

S. C. R. No. 48, Granting permission to Susan Robertson, et al, to sue the State.

The Senate has adopted the Conference Committee Report on House Bill No. 194 by the following vote: Yeas, 22; Nays, 9.

Adopted

H. C. R. No. 147, Instructing the Enrolling Clerk of the House to correct House Bill No. 28.

H. C. R. No. 148, Requesting the Governor to return Senate Bill No. 181 to the House for further consideration.

Respectfully,

BOB BARKER,

Secretary of the Senate.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 1032, "An Act authorizing incorporated cities, towns or villages, independent school districts, common school districts, drainage districts, water control and improvement districts, water improvement districts or

navigation districts in this State to avail themselves of the services of County Tax Assessors and Collectors; fixing the compensation of said county officers for said services, and declaring an emergency."

H. B. No. 1003, "An Act to fix the salaries and compensation of County Commissioners in counties with a taxable valuation of not less than Fifty-one Million, One Hundred Thousand (\$51,100,000.00) Dollars nor more than Fifty-one Million, Four Hundred Thousand (\$51,400,000.00) Dollars taxable valuation for county purposes according to the valuation as shown on the County Tax Assessor-Collector's rolls for the current year of 1938, and providing for payment of such salaries and the funds from which such salaries shall be paid; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 994, "An Act validating and confirming all procedure in the organization and establishing of certain school districts, validating all acts and procedure of School Boards and/or County Commissioners' Courts in such districts; making such acts cumulative of all laws and parts of laws not in conflict herewith, and declaring an emergency."

H. B. No. 1007, "An Act providing that in all counties in the State of Texas having a population of three hundred thousand (300,000) inhabitants or more, and less than three hundred and fifty-five thousand (355,000) inhabitants, according to the last preceding Federal Census, and where such counties have purchased and adopted voting machines for the purpose of holding elections, the County Auditor upon order of the Commissioners' Court shall advertise for bids for the hauling and/or transporting voting machines to the various precincts in the county; providing that the Commissioners' Court shall award contract to the lowest and best bidder; providing that the Commissioners' Court shall reserve the right to reject any and all bids; repealing all laws in conflict herewith, and declaring an emergency."

RECESS

On motion of Mr. Harrell of Lamar, the House, at 12:05 o'clock p. m., took recess until 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

TO GRANT PERMISSION TO SUE
THE STATE

The Speaker laid before the House, for consideration, at this time, the following resolution:

S. C. R. No. 48, To grant Susan Robertson and others permission to sue the State.

Whereas, It is alleged that Susan Robertson, wife of O. B. Robertson, Sunset Brick & Tile Company, a private corporation, and the estate of T. F. Harwood, deceased, of which estate W. T. Miller is sole independent executor, each, now own and have owned at all times since prior to the month of April, 1933, certain lands and premises situated in Gonzales County, Texas, the real estate so owned by the said Susan Robertson consisting of Lots Nos. 3 and 4 in Block No. 1 of the original Inner Town of Gonzales and 57.45 acres of land out of the Green DeWitt Survey No. 1, Abstract No. 15; the real estate so owned by said Sunset Brick & Tile Company consisting of 24.3 acres of land out of said Green DeWitt Survey No. 1, Abstract No. 15; and the real estate so owned by the Estate of T. F. Harwood, deceased, consisting of 30 acres of land, more or less, parts of the Green DeWitt Survey No. 1, Abstract No. 15, and the J. Ruth Survey, Abstract No. 404, and Block No. 15 and the south end of what was formerly St. James Street in the original Inner Town of Gonzales; and

Whereas, It is further alleged that after the month of March, 1933, and during the years 1933-1934, the State of Texas by and through the State Highway Commission constructed and improved a highway extending through Gonzales County, Texas, known as State Highway No. 29, and, in constructing and improving that portion of said highway extending in a southerly direction from the city limits of the City of Gonzales to and beyond the Guadalupe river, built up and erected and constructed a high road dump or embankment without any opening therein between the limits of said city and said river, all in such a way that the said above named

owners of the aforesaid lands lying above and up-river from such embankment claim and assert that such embankment impedes and holds back and raises the flood waters moving down the river valley from above such embankment and to greatly raise the height and increase the width of the flood waters of such river above or up-river from such embankment and to impound such waters and cause same to rise to higher levels and to spread out and cover more lands located up-river from such embankment, including the above mentioned lands, than was the case before such embankment was constructed, and in such manner as to overflow and to obstruct and interfere with natural flow of water over and away from such lands and to create lakes or ponds of water on portions thereof and to otherwise damage such lands and the improvements located thereon and to greatly impair or destroy the value and use thereof, and that said lands and the improvements thereon were thereby caused to be especially heavily damaged and/or destroyed by the overflow of flood waters on or over said lands during June, 1935, and in July and September, 1936, and on the occasion of subsequent rises in such river, and such damages are continuing damages to such lands, and that the values of such properties are permanently impaired; and

Whereas, It is further alleged that none of the above named owners of the aforesaid lands have been compensated by the State of Texas or by the State Highway Commission, or otherwise, for the damages claimed to have been sustained by them, respectively, and they each desire to establish a claim against the State of Texas and the State Highway Commission for their damages, if any, resulting from the construction and maintenance of the aforesaid road embankment;

However, The sole purpose of this resolution is to grant permission to said Susan Robertson and her husband, O. B. Robertson, Sunset Brick & Tile Company, and W. T. Miller, as independent executor of the estate of T. F. Harwood, deceased, and each of them, their executors, administrators, heirs, successors and assigns, to bring suit against the State of Texas, and no admission of the liability of the State is made by this resolution, but the facts as set out

above shall be subject to proof in the court; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said Susan Robertson and her husband, O. B. Robertson, Sunset Brick & Tile Company, and W. T. Miller as independent executor of the Estate of T. F. Harwood, deceased, and each of them, their executors, administrators, heirs, successors and assigns, be, and they and each of them are hereby, given and granted the permission and consent of the Legislature of the State of Texas to bring and prosecute suit or suits against the State of Texas and the State Highway Commission of Texas in any court or courts of competent jurisdiction in Gonzales County, Texas, for the purpose of determining and recovering the compensation and damages, if any, which he, she or they, respectively, may be entitled to recover by reason of or resulting from the alleged construction and maintenance of the aforesaid embankment and by reason of the premises above set out, and that any cause of action and/or causes of action which the above named landowners, or any of them, may have, shall not be barred by limitation until two (2) years from and after the date upon which this resolution becomes effective; and, be it further

Resolved, That in the event judgment is recovered against the State of Texas and/or the State Highway Commission, the State and said Commission may appeal from such judgment, as provided by law, without executing any bond, and if a final judgment or judgments is recovered against the State of Texas or said State Highway Commission, or against both of them, in any such suit or suits, the same shall be paid in full out of the State Highway funds; and, be it further

Resolved, That service of citation and other processes of law in any such suit or suits may be had upon the Chairman of the State Highway Commission and the Attorney General of Texas with the same force and effect as in ordinary civil cases.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

SENATE BILL NO. 224 ON PAS-SAGE TO THIRD READING

The House resumed consideration of pending business, same being Senate Bill No. 224, donating ad valorem taxes to each respective county for a period of five years, etc., on its passage to third reading.

The bill having heretofore been read second time.

Mr. Hartzog offered the following amendment to the bill:

Amend Senate Bill No. 224, by adding at the end of Section 1 of the printed bill, the following:

"Provided further that during the duration of this Act the Automatic Tax Board is hereby empowered and expressly instructed to set the ad valorem tax rate for General Revenue purposes at a rate of not less than thirty (30c) cents per One Hundred (\$100.00) Dollars of assessed valuation."

HARTZOG,
SHELL.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—79

Allen	Hartzog
Bell	Heflin
Blankenship	Holland
Boyer	Howington
Bradbury	Hull
Bradford	Johnson of Tarrant
Bray	Keith
Bridgers	Kennedy
Broadfoot	Kersey
Bundy	King
Cleveland	Leonard
Cockrell	Leyendecker
Colson, Mrs.	Lock
Corry	Loggins
Daniel	London
Dean	McAlister
Dickson	McDaniel
Donaghey	McDonald
Gilmer	McMurry
Goodman	McNamara
Gordon, Mrs.	Newell
Hamilton	Nicholson
Hankamer	Pace
Hardin	Petsch
Harp	Pevehouse
Harper	Ragsdale
Harrell of Bastrop	Reader of Erath
Harrell of Lamar	Reed

Roberts	Stoll
Robinson	Tarwater
Russell	Taylor
Schuenemann	Thornton
Segrist	Turner
Shell	Vale
Skiles	Voigt
Smith of Hopkins	Waggoner
Smith	Weldon
of Matagorda	Wilson
Spencer	Winfree
Stinson	Worley

Nays—31

Allison	Hardeman
Bailey	Harris
Bond	Isaacks
Boyd	Kern
Brown of Cherokee	Langdon
Burkett	Lehman
Clark	McFarland
Cornett	Reaves
Davis of Jasper	Roach
Davis of Upshur	Talbert
Derden	Thornberry
Dowell	Vint
Faulkner	Wells
Ferguson	Westbrook
Galbreath	Wood
Hale	

Present—Not Voting

Brown
of Nacogdoches

Absent

Alsup	Kerr
Anderson	Kinard
Baker	Little
of Fort Bend	Mays
Baker of Grayson	Mohrmann
Boethel	Monkhouse
Burney	Montgomery
Cauthorn	Morris
Celaya	Oliver
Chambers	Piner
Coleman	Pope
Colquitt	Reader of Bexar
Dickison	Rhodes
Dwyer	Riviere
Felty	Smith of Frio
Fuchs	Tennant
Howard	White
Johnson of Ellis	Wright

Absent—Excused

Crossley	Hunt
Fielden	

Mr. Kennedy offered the following amendment to the bill:

Amend Senate Bill No. 224, page 3, line 24, by striking out the period

and adding the following: "and Section 59 of Article 16 of said Constitution".

KENNEDY,
KEITH.

Mr. Celaya offered the following substitute for the amendment by Mr. Kennedy:

Amend Senate Bill No. 224, by striking out all of line 23 after the word "under" and all of line 24 on page 3 of said printed bill, and insert in lieu thereof, the following: "Sections 7 and 8, Article 11 and Section 59 of Article 16 of the Constitution of the State of Texas".

CELAYA,
HARTZOG.

The substitute amendment was adopted.

The amendment, as substituted, was then adopted.

Mr. Blankenship offered the following amendment to the bill:

Amend Senate Bill No. 224, by adding at the end of Section 1 thereof, the following:

"Provided however that in all counties having a population of not less than three hundred and twenty thousand (320,000) and not more than three hundred and fifty-five thousand (355,000), according to the last or any future census, the County Commissioners shall set aside for use for relief purposes each year a sum in their opinion necessary for such relief, but not more than One Hundred and Fifty Thousand (\$150,000.00) Dollars in any one year."

Mr. Reed offered the following substitute for the amendment by Mr. Blankenship:

Amend Senate Bill No. 224, page 2, line 32, by adding after the period following the word "roads", a new sentence to read as follows: "The Commissioners Court of said counties may use an amount necessary for general relief and charitable purposes".

REED,
WHITE,
ANDERSON,
BLANKENSHIP,
STINSON.

The substitute amendment was adopted.

The amendment, as substituted, was then adopted.

Mr. Pope offered the following amendment to the bill:

Amend Senate Bill No. 224, by adding the following at the end of Section 1:

"Provided that the beginning of the donation and grant herein authorized shall not start in any of the counties designated in Chapter 138 of the Acts of the Regular Session of the Thirty-seventh Legislature of Texas and in Acts of the Thirty-fifth Legislature of Texas known as House Bill No. 694, Regular Session, and in Acts of the Forty-sixth Legislature of Texas, Regular Session, known as House Bill No. 52, until the termination of the time fixed in said House Bill No. 52 of said Acts of the Forty-sixth Legislature of Texas, Regular Session; and provided that nothing herein contained shall change or modify or nullify any provision or authority of said Chapter 138 of said Acts of said Regular Session of said Thirty-seventh Legislature of Texas or any provision of said House Bill No. 694 of the Regular Session of said Thirty-fifth Legislature or any provision of said House Bill No. 52 of said Regular Session of said Forty-sixth Legislature of Texas; and provided further that in order that said respective counties designated in said House Bill No. 52, Regular Session, Forty-sixth Legislature of Texas may have the same privileges and advantages under the donation and grant as all other counties of Texas under the provisions of this Act, it is expressly provided that said respective counties designated in said House Bill No. 52 shall have the right to use the donation and grant herein authorized and for same to begin at the time as herein fixed, as a trust fund for the purpose of aiding each of said respective counties named in said House Bill No. 52 in payment of interest and principal upon an issue or issues of bonds, the proceeds of which bonds may be used exclusively by the respective counties named in said House Bill No. 52 for any purpose or for the purposes named in Section 1 hereof; and provided further that if any Section, Subsection, paragraph, sentence, clause, phrase, or word of this Act or the application thereof as to any county or subdivision or person or circumstances or its application as to any Act is held invalid, the holding shall not affect the validity of the remain-

ing portions of this Act and the Legislature hereby declares that it would have passed such remaining portions despite such invalidity."

The amendment was adopted.

Mr. Roach offered the following amendment to the bill:

Amend Senate Bill No. 224, by adding a new Section thereto to be properly inserted and numbered to read, as follows:

"This Act shall not become effective until the Legislature shall provide for revenue to replace all money herein remitted."

ROACH,
DAVIS of Upshur.

Mr. Hartzog moved to table the amendment by Mr. Roach.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—73

Allen	Hull
Alsup	Johnson of Tarrant
Bailey	Keith
Baker	Kennedy
of Fort Bend	Kersey
Baker of Grayson	King
Bell	Lehman
Blankenship	Leonard
Boethel	Leyendecker
Bond	Little
Boyer	McAlister
Bradbury	McDaniel
Bradford	McMurry
Bray	Mohrmann
Bridgers	Monkhouse
Broadfoot	Montgomery
Cauthorn	Pace
Chambers	Petsch
Cleveland	Pevehouse
Cockrell	Ragsdale
Coleman	Reed
Colson, Mrs.	Roberts
Corry	Schuenemann
Daniel	Segrist
Dickison	Shell
Dickson	Smith of Frio
Donaghey	Smith of Hopkins
Faulkner	Smith
Gilmer	of Matagorda
Goodman	Stinson
Hamilton	Tarwater
Hardin	Taylor
Harp	Turner
Harper	Voigt
Harrell of Lamar	Waggoner
Harris	Wells
Hartzog	Worley
Heflin	

Nays—54

Allison	McDonald
Boyd	McFarland
Brown of Cherokee	McNamara
Brown	Morris
of Nacogdoches	Newell
Burkett	Nicholson
Burney	Oliver
Clark	Piner
Colquitt	Reader of Erath
Cornett	Reaves
Davis of Jasper	Rhodes
Davis of Upshur	Riviere
Derden	Roach
Dowell	Robinson
Ferguson	Russell
Fuchs	Skiles
Galbreath	Spencer
Gordon, Mrs.	Talbert
Hankamer	Tennant
Hardeman	Thornberry
Holland	Thornton
Howington	Vint
Isaacks	Weldon
Johnson of Ellis	Westbrook
Kern	White
Kinard	Wilson
Langdon	Wood
Lock	

Absent

Anderson	Loggins
Bundy	London
Celaya	Mays
Dean	Pope
Dwyer	Reader of Bexar
Felty	Stoll
Hale	Vale
Harrell of Bastrop	Winfree
Howard	Wright
Kerr	

Absent—Excused

Crossley	Hunt
Fielden	

Mr. Thornton offered the following amendment to the bill:

Amend Senate Bill No. 224, by adding a new paragraph at the end of Section 1 to read, as follows:

"The provisions of this Act shall not apply to any county in which a city located therein is now receiving a remission of taxes by virtue of Chapter 3, Acts of the Regular Session, Thirty-ninth Legislature as amended by House Bill No. 22, Acts of the Regular Session, Forty-fifth Legislature, nor shall the provisions of this Act be construed to alter, modify or repeal Chapter 3, Acts of the Regular Session, Thirty-ninth Legislature, as

amended by House Bill No. 22, Acts of the Regular Session, Forty-fifth Legislature."

The amendment was adopted.

Mr. Langdon offered the following amendment to the bill:

Amend Senate Bill No. 224, by striking out all of Section 1 and substituting therefor a new Section 1, to read, as follows:

"That for a period of five (5) years beginning with the taxable year 1940, there is hereby transferred from the General Revenue Fund of this State to the 'Old Age Pension Fund,' an amount of money which equals in amount all of the State ad valorem taxes collected for general revenue purposes upon the property and from the persons in each respective county, not heretofore donated or granted by the State of Texas to any county, city, district or other political subdivision of the State including ad valorem taxes on the rolling stock belonging to railroad companies. Said amount which equals the amount of the enumerated taxes so collected shall be used to finance the Old Age Pension laws now in existence and in accordance with the Federal laws."

LANGDON,
DANIEL,
BOYD,
HOLLAND.

Mr. Hartzog raised a point of order, on further consideration of the amendment, at this time, on the ground that the amendment seeks to change the original purpose of the bill.

The Speaker sustained the point of order.

Mr. Hartzog offered the following amendment to the bill:

Amend Senate Bill No. 224 by changing the period after the word "road" on line 32, page 2, to a comma, and add thereafter, the following:

"or any other purposes not especially prohibited by the Constitution."

Mr. McNamara offered the following substitute for the amendment by Mr. Hartzog:

Amend Senate Bill No. 224, page 2, line 24, by striking out the words, "for the following purpose," and substituting therefor the following: "for any purpose permitted by and not inconsistent with the Constitution of Texas, including the following pur-

poses: lowering the ad valorem tax rate for county purposes."

McNAMARA,
GILMER,
HARTZOG.

The substitute amendment was adopted.

The amendment, as substituted, was then adopted.

Mr. Leonard offered the following amendment to the bill:

Amend Senate Bill No. 224, by adding a new Section at the end of Section 1, to be known as "Section 1a," to read, as follows:

"Section 1a: Provided that where cities or other political subdivisions in this State have heretofore received grants, releases, remissions or donations of ad valorem taxes for said purposes, and said cities or other political subdivisions have issued bonds as a result of receiving said grants, releases, remissions or donations that the grants under this bill shall continue to be used to retire such bonds and interest on such bonds until the same are fully paid, at which time the provisions of this bill granting ad valorem taxes shall apply."

LEONARD,
CELAYA.

Mr. Bond moved the previous question on the pending amendment and the passage of Senate Bill No. 224 to third reading, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—71

Allen	Corry
Allison	Dickison
Alsun	Donaghey
Bailey	Dwyer
Bell	Faulkner
Blankenship	Fuchs
Boethel	Gilmer
Bond	Goodman
Boyer	Hale
Bradbury	Hamilton
Bradford	Hardin
Broadfoot	Harper
Bundy	Harrell of Bastrop
Cauthorn	Harris
Cleveland	Hartzog
Coleman	Heflin
Colquitt	Holland
Colson, Mrs.	Howington

Hull	Pevehouse
Johnson of Tarrant	Ragsdale
Keith	Reader of Bexar
Kennedy	Reed
Kerr	Roberts
Kersey	Schuenemann
King	Skiles
Leyendecker	Smith of Frio
Lock	Smith of Hopkins
London	Stinson
McAlister	Talbert
McDaniel	Taylor
McMurry	Turner
Mohrmann	Voigt
Monkhouse	Waggoner
Montgomery	Winfree
Pace	Worley
Petsch	

Nays—61

Baker	McDonald
of Fort Bend	McFarland
Boyd	McNamara
Bray	Morris
Bridgers	Newell
Brown of Cherokee	Nicholson
Brown	Oliver
of Nacogdoches	Piner
Burkett	Pope
Burney	Reader of Erath
Chambers	Reaves
Clark	Rhodes
Cockrell	Riviere
Cornett	Roach
Daniel	Robinson
Davis of Upshur	Russell
Derden	Smith
Dowell	of Matagorda
Ferguson	Spencer
Galbreath	Stoll
Gordon, Mrs.	Tarwater
Hankamer	Tennant
Hardeman	Thornberry
Isaacks	Thornton
Johnson of Ellis	Vale
Kern	Vint
Kinard	Weldon
Langdon	Wells
Lehman	Westbrook
Leonard	White
Loggins	Wilson
Mays	Wood

Absent

Anderson	Harp
Baker of Grayson	Harrell of Lamar
Celaya	Howard
Davis of Jasper	Little
Dean	Segrist
Dickson	Shell
Felty	Wright

Absent—Excused

Crossley	Hunt
Fielden	

Question recurring on the amendment by Mr. Leonard, it was adopted.

Senate Bill No. 224 was then passed to third reading.

Mr. Hartzog moved to reconsider the vote by which Senate Bill No. 224 was passed to third reading, and to table the motion to reconsider.

The motion to table prevailed.

**MOTION TO PLACE SENATE
BILL NO. 224 ON THIRD
READING**

Mr. Hartzog moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 224 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—84

Allen	Hartzog
Alsup	Holland
Anderson	Howington
Bailey	Hull
Baker	Isaacks
of Fort Bend	Kerr
Baker of Grayson	King
Bell	Lehman
Blankenship	Leonard
Boethel	Leyendecker
Bond	Little
Boyer	Loggins
Bradbury	London
Bradford	Mays
Bray	McAlister
Broadfoot	McDaniel
Cauthorn	McMurry
Celaya	Mohrmann
Chambers	Monkhouse
Cleveland	Montgomery
Cockrell	Pace
Coleman	Petsch
Colquitt	Pevehouse
Colson, Mrs.	Pope
Daniel	Reader of Bexar
Davis of Jasper	Reed
Dickison	Roberts
Dickson	Robinson
Donaghey	Schuenemann
Dwyer	Segrist
Goodman	Shell
Hamilton	Skiles
Hankamer	Smith of Frio
Hardin	Smith of Hopkins
Harp	Talbert
Harper	Tarwater
Harrell of Bastrop	Taylor
Harrell of Lamar	Thornton
Harris	Turner

Vale
Voigt
Waggoner
Wells

White
Winfree
Worley

Nays—50

Allison	Langdon
Boyd	Lock
Brown of Cherokee	McDonald
Brown	McFarland
of Nacogdoches	McNamara
Bundy	Morris
Burkett	Newell
Burney	Nicholson
Clark	Oliver
Cornett	Piner
Davis of Upshur	Reader of Erath
Derden	Reaves
Dowell	Rhodes
Faulkner	Riviere
Ferguson	Roach
Fuchs	Russell
Galbreath	Smith
Gordon, Mrs.	of Matagorda
Hale	Spencer
Hardeman	Stinson
Johnson of Tarrant	Thornberry
Keith	Vint
Kennedy	Weldon
Kern	Westbrook
Kersey	Wilson
Kinard	Wood

Absent

Bridgers	Howard
Corry	Johnson of Ellis
Dean	Ragsdale
Felty	Stoll
Gilmer	Tennant
Heflin	Wright

Absent—Excused

Crossley	Hunt
Fielden	

**RELATIVE TO SENATE BILL NO.
325**

Mr. Burney moved to reconsider the vote by which Senate Bill No. 325 was recommitted to the Committee on Municipal and Private Corporations.

Question recurring on the motion to reconsider, yeas and nays were demanded.

The motion to reconsider prevailed by the following vote:

Yeas—42

Baker	Boethel
of Fort Bend	Bond
Bell	Bridgers

Burney	Lehman
Cockrell	Little
Daniel	London
Davis of Jasper	McAlister
Dickison	McNamara
Dwyer	Montgomery
Ferguson	Nicholson
Fuchs	Pope
Gordon, Mrs.	Reader of Erath
Hankamer	Rhodes
Hardin	Riviere
Harp	Robinson
Harris	Smith of Hopkins
Heflin	Taylor
Isaacks	Thornton
Johnson of Ellis	Wells
Johnson of Tarrant	White
Keith	Winfree
Kinard	

Nays—37

Bailey	Hamilton
Boyd	Hardeman
Boyer	Holland
Bradbury	Howington
Broadfoot	Kersey
Brown of Cherokee	Loggins
Brown	Mays
of Nacogdoches	McDaniel
Burkett	McFarland
Cauthorn	McMurry
Chambers	Mohrmann
Clark	Oliver
Cleveland	Petsch
Colquitt	Reader of Bexar
Cornett	Reaves
Corry	Roach
Donaghey	Schuenemann
Dowell	Thornberry
Galbreath	Worley

Present—Not Voting

Allen	McDonald
Allison	Monkhouse
Alsup	Newell
Baker of Grayson	Pevehouse
Bray	Reed
Davis of Upshur	Roberts
Derden	Russell
Dickson	Skiles
Faulkner	Smith
Hale	of Matagorda
Kennedy	Spencer
Kern	Stinson
Kerr	Tarwater
King	Weldon
Langdon	Westbrook
Leonard	Wood
Lock	

Absent

Anderson	Bradford
Blankenship	Bundy

Celaya	Piner
Coleman	Ragsdale
Colson, Mrs.	Segrist
Dean	Shell
Felty	Smith of Frio
Gilmer	Stoll
Goodman	Talbert
Harper	Tennant
Harrell of Bastrop	Turner
Harrell of Lamar	Vale
Hartzog	Vint
Howard	Voigt
Hull	Waggoner
Leyendecker	Wilson
Morris	Wright
Pace	

Absent—Excused

Crossley	Hunt
Fielden	

Mr. Reader of Bexar then withdrew the motion that Senate Bill No. 325 be recommitted to the Committee on Municipal and Private Corporations.

SENATE BILL NO. 276 ON SECOND READING

On motion of Mr. Johnson of Tarrant, the regular order of business was suspended, to take up, and have placed on its second reading, and passage to third reading, Senate Bill No. 276.

The Speaker then laid before the House, on its second reading, and passage to third reading,

S. B. No. 276, A bill to be entitled "An Act providing for the establishment of a State Board of Embalming, providing for the appointment and terms of the members thereof and for their removal, granting powers and imposing duties upon said Board, and declaring an emergency."

The bill was read second time.

Mr. Stinson offered the following amendment to the bill:

Amend Senate Bill No. 276, page 1, Section 1, by adding another sentence at the end of line 29, to read, as follows:

"The terms of the present Members of the Board shall not be changed or affected by this Act; but the State Board of Health shall appoint the sixth Member so that his term shall expire at the same time as the odd Member of the present Board; and as the terms of the Members hereafter expire the State Board of Health shall

appoint the Board in accordance with this Act."

STINSON,
REED.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

Senate Bill No. 276 was then passed to third reading.

**MOTION TO PLACE SENATE
BILL NO. 276 ON THIRD
READING**

Mr. Johnson of Tarrant, moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 276 be placed on its third reading and final passage.

The motion was lost by the following vote:

Yeas—58

Baker	Leyendecker
of Fort Bend	Loggins
Baker of Grayson	London
Bell	McAlister
Boethel	McDaniel
Boyd	McDonald
Boyer	McMurry
Bradbury	Mohrmann
Bradford	Newell
Burney	Nicholson
Cauthorn	Oliver
Celaya	Pace
Cleveland	Piner
Cockrell	Ragsdale
Coleman	Reader of Bexar
Colson, Mrs.	Reader of Erath
Daniel	Riviere
Derden	Robinson
Dickison	Russell
Gilmer	Schuenemann
Hankamer	Segrist
Harp	Skiles
Harper	Smith of Hopkins
Holland	Stoll
Howard	Thornberry
Hull	Thornton
Johnson of Tarrant	Waggoner
Keith	Winfree
Kersey	Worley
Lehman	

Nays—60

Allen	Brown of Cherokee
Allison	Bundy
Bailey	Burkett
Bray	Chambers
Bridgers	Clark
Broadfoot	Colquitt

Cornett	Montgomery
Corry	Petsch
Davis of Jasper	Reaves
Davis of Upshur	Reed
Dowell	Roach
Faulkner	Roberts
Ferguson	Smith of Frio
Fuchs	Smith
Galbreath	of Matagorda
Gordon, Mrs.	Spencer
Hale	Stinson
Hardeman	Talbert
Hardin	Tarwater
Heflin	Tennant
Howington	Turner
Isaacks	Vale
Johnson of Ellis	Vint
Kennedy	Weldon
Kern	Wells
Kerr	Westbrook
Kinard	White
Lock	Wilson
Mays	Wood
McFarland	Wright
McNamara	

Present—Not Voting

Brown	Donaghey
of Nacogdoches	

Absent

Alsup	Hartzog
Anderson	King
Blankenship	Langdon
Bond	Leonard
Dean	Little
Dickson	Monkhouse
Dwyer	Morris
Felty	Pevehouse
Goodman	Pope
Hamilton	Rhodes
Harrell of Bastrop	Shell
Harrell of Lamar	Taylor
Harris	Voigt

Absent—Excused

Crossley	Hunt
Fielden	

**SENATE BILL NO. 309 ON SEC-
OND READING**

On motion of Mr. Harper, the regular order of business was suspended, to take up, and have placed on its second reading, and passage to third reading, Senate Bill No. 309.

The Speaker then laid before the House, on its second reading, and passage to third reading,

S. B. No. 309, A bill to be entitled "An Act enlarging the powers and duties of the State Department of Education of the State of Texas, so

as to provide a Division for the Prevention of Crime by Education; providing for the appointment of the personnel of said Division, fixing their salaries, and defining their duties, and declaring an emergency."

The bill was read second time.

Mr. McNamara offered the following amendment to the bill:

Amend Senate Bill No. 309, by striking out on page 4, Section 9, starting on line 34, the following: "And Fifty (50c) Cents to be taxed as costs in each divorce case prosecuted to final judgment in the courts of this State, except divorce cases allowed by the trial court to be prosecuted on pauper's oaths."

McNAMARA,
LANGDON.

The amendment was adopted.

Mr. McNamara offered the following amendment to the bill:

Amend Senate Bill No. 309, by striking out all of Section 10, and substituting in lieu thereof, the following: "The clerks of the respective courts assessing and collecting these fees shall at the close of each calendar month remit same to the Comptroller of Public Accounts and all such fees so collected shall be deposited in the State Treasury to the credit of the General Fund to be appropriated by the Legislature in accordance with the budget for such Department and all such funds shall remain in the State Treasury and shall be paid out only on warrants drawn by the Comptroller after appropriations have been made therefor by the Legislature."

McNAMARA,
LANGDON.

The amendment was adopted.

Mr. Wood offered the following amendment to the bill:

Amend Senate Bill No. 309, by striking out the words "State Department of Education," in lines 6 and 7, page 2, and insert the following words, "State Department of Public Safety."

(Pending consideration of the amendment, Mr. Thornton occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Brown of Cherokee moved to table the amendment by Mr. Wood.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—73

Allen	Johnson of Ellis
Allison	Keith
Bailey	Kern
Baker	King
of Fort Bend	Lock
Baker of Grayson	Loggins
Bell	McMurry
Blankenship	McNamara
Bond	Montgomery
Boyd	Newell
Boyer	Oliver
Bradbury	Pace
Brown of Cherokee	Pevehouse
Burney	Ragsdale
Cauthorn	Reader of Erath
Chambers	Reaves
Clark	Roach
Cleveland	Roberts
Cockrell	Russell
Coleman	Segrist
Colson, Mrs.	Skiles
Cornett	Smith of Hopkins
Davis of Jasper	Spencer
Davis of Upshur	Stinson
Derden	Tarwater
Dickison	Taylor
Faulkner	Thornberry
Ferguson	Turner
Gilmer	Vale
Goodman	Voigt
Hale	Weldon
Hamilton	Wells
Harn	Westbrook
Harper	White
Harrell of Lamar	Wilson
Harris	Winfree
Isaacks	Worley

Nays—51

Alsup	Kennedy
Boethel	Kerr
Bradford	Kinard
Broadfoot	Langdon
Brown	Lehman
of Nacogdoches	Leyendecker
Bundy	Little
Celaya	Mays
Colquitt	McAlister
Corry	McDaniel
Daniel	McDonald
Donaghey	McFarland
Dowell	Mohrmann
Galbreath	Monkhouse
Gordon, Mrs.	Morris
Hankamer	Nicholson
Hardeman	Petsch
Heflin	Piner
Holland	Pope
Howington	Reed
Johnson of Tarrant	Riviere

Robinson
Schuenemann
Shell
Smith of Frio
Stoll

Tennant
Thornton
Waggoner
Wood
Wright

Absent

Anderson
Bray
Bridgers
Burkett
Dean
Dickson
Dwyer
Felty
Fuchs
Hardin
Harrell of Bastrop
Hartzog

Howard
Hull
Kersey
Leonard
London
Reader of Bexar
Rhodes
Smith
of Matagorda
Talbert
Vint

Absent—Excused

Crossley
Fielden

Hunt

Mr. Bell moved the previous question, on the passage of Senate Bill No. 309 to third reading, and the main question was ordered.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 309 was then passed to third reading by the following vote:

Yeas—83

Allen
Allison
Bailey
Baker
of Fort Bend
Baker of Grayson
Bell
Blankenship
Boyd
Boyer
Bradbury
Brown of Cherokee
Brown
of Nacogdoches
Burney
Cauthorn
Chambers
Clark
Cleveland
Cockrell
Coleman
Colson, Mrs.
Cornett
Davis of Jasper
Davis of Upshur
Dean
Derden

Dickison
Dickson
Faulkner
Ferguson
Fuchs
Hale
Hamilton
Hardin
Harp
Harper
Harrell of Bastrop
Harrell of Lamar
Harris
Heflin
Holland
Isaacks
Johnson of Ellis
Keith
Kennedy
Kern
Kersey
King
Lock
Loggins
London
Mays
McFarland

McMurry
McNamara
Montgomery
Newell
Oliver
Pace
Pevehouse
Reader of Bexar
Rhodes
Riviere
Roach
Roberts
Russell
Segrist
Skiles
Smith of Hopkins

Spencer
Stoll
Taylor
Tennant
Thornberry
Turner
Vint
Voigt
Weldon
Wells
Westbrook
White
Wilson
Winfree
Worley

Nays—53

Alsup
Boethel
Bond
Bradford
Bray
Bridgers
Bundy
Burkett
Celaya
Colquitt
Corry
Daniel
Donaghey
Dowell
Felty
Galbreath
Goodman
Gordon, Mrs.
Hankamer
Hardeman
Howard
Howington
Johnson of Tarrant
Kerr
Kinard
Langdon
Lehman

Leonard
Leyendecker
Little
McAlister
McDaniel
McDonald
Mohrmann
Monkhouse
Morris
Nicholson
Petsch
Piner
Pope
Ragsdale
Reader of Erath
Reed
Robinson
Schuenemann
Smith of Frio
Stinson
Tarwater
Thornton
Vale
Waggoner
Wood
Wright

Absent

Anderson
Broadfoot
Dwyer
Gilmer
Hartzog
Hull

Reaves
Shell
Smith
of Matagorda
Talbert

Absent—Excused

Crossley
Fielden

Hunt

Mr. Baker of Grayson moved to reconsider the vote by which Senate Bill No. 309 was passed to third reading, and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

Explanatory of my vote against engrossment, and suspension of the Constitutional Rule, on Senate Bill No. 309:

"I think the citizenship of the State, especially the taxpayers, have the right to expect the public school system, as a matter of elemental duty, to promote that type of educational training as will equip the graduate student for discharging the obligations of good citizenship, whether duty of the individual may touch the subject of crime as defined by statute, or may touch any one of the other innumerable essentials that govern in distinguishing between good and poor citizenship.

If the public school system has been derelict in duty in relation to instructional training touching crime, I then favor Senate Bill No. 309 to such extent as it directs attention to said dereliction, but due to adequate financial support already being provided for the general duty assignment which rests upon our public schools, and because of the relative importance of other subject matter embraced within the public school, general teaching responsibility, I recognize no justification for specially emphasizing the subject of crime prevention, by creating special functional procedure to deal with it, or by providing special taxation to finance it, because, from my viewpoint, the subject of crime prevention is simply one of the many equally important subjects that compose the general duty assignment of our public school system, from standpoint of student teaching and training."

NICHOLSON.

MOTION TO PLACE SENATE BILL NO. 309 ON THIRD READING

Mr. Bradbury moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 309 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—83

Allen	Bailey
Allison	Baker
Alsup	of Fort Bend

Baker of Grayson	Keith
Bell	Kennedy
Blankenship	Kern
Boyd	Kersey
Boyer	Lock
Bradbury	Loggins
Bridgers	London
Broadfoot	Mays
Brown of Cherokee	McFarland
Brown	McMurry
of Nacogdoches	McNamara
Burney	Montgomery
Cauthorn	Newell
Clark	Oliver
Cleveland	Pevehouse
Cockrell	Reader of Bexar
Coleman	Rhodes
Colson, Mrs.	Riviere
Cornett	Roach
Davis of Jasper	Roberts
Davis of Upshur	Russell
Derden	Segrist
Dickison	Skiles
Dickson	Smith of Hopkins
Faulkner	Spencer
Ferguson	Stoll
Fuchs	Tarwater
Hale	Tennant
Hamilton	Thornberry
Hardin	Turner
Harp	Vint
Harper	Weldon
Harrell of Bastrop	Wells
Harrell of Lamar	Westbrook
Harris	White
Heflin	Wilson
Holland	Winfree
Hull	Wood
Isaacks	Worley
Johnson of Ellis	

Nays—52

Boethel	Kinard
Bond	King
Bradford	Langdon
Bray	Lehman
Bundy	Leonard
Burkett	Leyendecker
Celaya	Little
Colquitt	McAlister
Corry	McDaniel
Daniel	McDonald
Dean	Mohrmann
Donaghey	Monkhouse
Dowell	Morris
Galbreath	Nicholson
Goodman	Pace
Gordon, Mrs.	Petsch
Hankamer	Piner
Hardeman	Pope
Howard	Ragsdale
Howington	Reader of Erath
Johnson of Tarrant	Reed
Kerr	Robinson

Schuenemann	Thornton
Smith of Frio	Vale
Stinson	Waggoner
Taylor	Wright

Absent

Anderson	Reaves
Chambers	Shell
Dwyer	Smith
Felty	of Matagorda
Gilmer	Talbert
Hartzog	Voigt

Absent—Excused

Crossley	Hunt
Fielden	

HOUSE BILL NO. 181 ON THIRD READING

On motion of Mr. Shell (on Mr. Montgomery's suspension), the regular order of business was suspended, to take up, and have placed on its third reading and final passage, House Bill No. 181.

The Speaker then laid before the House, on its third reading and final passage,

H. B. No. 181, A bill to be entitled "An Act to extend for an additional period of twenty (20) years the provisions of Chapter 22, Acts of the Third Called Session of the Thirty-sixth Legislature and to amend same in other particulars so as to read and be as provided for herein and to aid the City of Aransas Pass in constructing and maintaining sea walls, break waters, and other shore protections, including wharves forming part or parts of same in order to protect said city from calamitous overflows by donating to it the eight-ninths (8/9) of the ad valorem taxes collected on property and from persons in San Patricio County for a period ending August 31, 1960, and providing a penalty for the misapplication of monies thus donated, and declaring an emergency."

The bill was read third time, and was passed by the following vote:

Yeas—72

Anderson	Bradbury
Baker	Bradford
of Fort Bend	Broadfoot
Bell	Bundy
Boethel	Cauthorn
Boyer	Celaya

Chambers	McDonald
Cleveland	McFarland
Cockrell	McNamara
Colson, Mrs.	Mohrmann
Daniel	Monkhouse
Dean	Montgomery
Derden	Nicholson
Dickson	Oliver
Dwyer	Pevehouse
Faulkner	Pope
Fuchs	Ragsdale
Galbreath	Reader of Bexar
Goodman	Reader of Erath
Hankamer	Rhodes
Hardin	Riviere
Harp	Roach
Harper	Roberts
Hartzog	Robinson
Heflin	Schuenemann
Holland	Shell
Howard	Smith of Frio
Hull	Smith
Johnson of Ellis	of Matagorda
Johnson of Tarrant	Stinson
Kinard	Tarwater
King	Taylor
Little	Thornton
Lock	Turner
Loggins	Vale
McAlister	Wilson
McDaniel	Wright

Nays—58

Allen	Kennedy
Allison	Kern
Alsup	Kerr
Bailey	Kersey
Baker of Grayson	Langdon
Blankenship	Lehman
Bond	Leyendecker
Boyd	London
Bray	Mays
Brown of Cherokee	McMurry
Brown	Newell
of Nacogdoches	Pace
Burkett	Reaves
Burney	Reed
Clark	Russell
Coleman	Segrist
Colquitt	Skiles
Cornett	Smith of Hopkins
Davis of Upshur	Spencer
Dowell	Stoll
Ferguson	Tennant
Hale	Thornberry
Hamilton	Vint
Hardeman	Waggoner
Harrell of Bastrop	Weldon
Harrell of Lamar	Wells
Harris	White
Howington	Wood
Isaacks	Worley
Keith	

Absent

Bridgers	Leonard
Corry	Morris
Davis of Jasper	Petsch
Dickison	Piner
Donaghey	Talbert
Felty	Voigt
Gilmer	Westbrook
Gordon, Mrs.	Winfree

Absent—Excused

Crossley	Hunt
Fielden	

Mr. Shell moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

**MOTION TO PLACE HOUSE BILL
NO. 1082 ON SECOND
READING**

Mr. Hardin moved that the regular order of business be suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 1082, A bill to be entitled "An Act to provide revenues for the purposes set out herein designated as social security taxes, such taxes to be levied upon retail sales, services, activities, and natural resources as set out by the provisions of this Act; providing for severance taxes in certain instances, making certain exemptions; defining the terms 'person', 'sale' 'tangible personal property', and 'sale for industrial purposes'; providing that the Comptroller of Public Accounts shall collect the taxes levied herein and pay the same to the State Treasurer; providing that the State Treasurer shall open and maintain certain special funds; providing for the transfer from the Texas Old Age Assistance Fund to the Destitute Children's Assistance Fund of One Million, Five Hundred Thousand (\$1,500,000.00) Dollars; providing for the transfer from the Texas Old Age Assistance Fund to the Teacher's Retirement Fund of an amount adequate to meet obligations for the period set out herein; etc., and declaring an emergency."

The roll of the House was called, and the vote announced, as follows: Yeas, 61; Nays, 62.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted, as follows:

Yeas—57

Allison	Lehman
Alsup	Leonard
Bailey	Little
Blankenship	Lock
Boethel	McDonald
Bond	McFarland
Boyer	McMurry
Broadfoot	McNamara
Bundy	Newell
Burkett	Nicholson
Cauthorn	Oliver
Chambers	Pace
Colquitt	Ragsdale
Colson, Mrs.	Reader of Bexar
Donaghey	Rhodes
Dwyer	Schuenemann
Fuchs	Shell
Galbreath	Smith of Frio
Goodman	Spencer
Gordon, Mrs.	Taylor
Hardin	Tennant
Harrell of Bastrop	Thornton
Hartzog	Turner
Heflin	Vale
Hull	Voigt
Johnson of Ellis	Weldon
Johnson of Tarrant	Westbrook
Kennedy	Wilson
Kern	

Nays—63

Allen	Harrell of Lamar
Baker	Harris
of Fort Bend	Howington
Baker of Grayson	Isaacks
Boyd	Keith
Bradford	Kersey
Bray	King
Bridgers	Langdon
Brown of Cherokee	Loggins
Brown	London
of Nacogdoches	Mays
Burney	McAlister
Clark	McDaniel
Cockrell	Mohrmann
Coleman	Morris
Cornett	Petsch
Corry	Piner
Daniel	Reader of Erath
Davis of Upshur	Reaves
Derden	Reed
Dickison	Riviere
Dowell	Roach
Faulkner	Roberts
Felty	Robinson
Hale	Russell
Hankamer	Segrist
Hardeman	Skiles
Harp	Smith of Hopkins

Stinson
Stoll
Thornberry
Vint
Wells

White
Winfree
Wood
Worley

Absent

Anderson	Kerr
Bell	Kinard
Bradbury	Leyendecker
Celaya	Monkhouse
Cleveland	Montgomery
Davis of Jasper	Pevehouse
Dean	Pope
Dickson	Smith
Ferguson	of Matagorda
Gilmer	Talbert
Hamilton	Tarwater
Harper	Waggoner
Holland	Wright
Howard	

Absent—Excused

Crossley	Hunt
Fielden	

The Speaker announced that the motion by Mr. Hardin was lost.

REASON FOR VOTE

I voted to bring House Bill No. 1082 up for consideration, and then in event of failure to eliminate sales tax feature, to kill it.

GALBREATH.

HOUSE BILL NO. 340 ON SECOND READING

Mr. Morris moved that the regular order of business be suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 340.

The motion prevailed by the following vote:

Yeas—97

Allen	Cauthorn
Allison	Chambers
Alsup	Cleveland
Anderson	Cockrell
Bailey	Coleman
Bell	Colson, Mrs.
Blankenship	Cornett
Boethel	Daniel
Bond	Davis of Jasper
Boyd	Davis of Upshur
Bradbury	Derden
Bridgers	Dowell
Brown of Cherokee	Faulkner
Brown	Ferguson
of Nacogdoches	Fuchs
Burney	Galbreath

Hale
Hamilton
Hardeman
Harp
Harper
Harrell of Bastrop
Harrell of Lamar
Harris
Heflin
Holland
Howington
Isaacks
Keith
Kennedy
Kern
Kerr
Kersey
King
Langdon
Lehman
Leonard
Little
Lock
London
Mays
McDaniel
McDonald
McMurry
Mohrmann
Morris
Newell
Oliver
Pevehouse
Piner

Reader of Bexar
Reader of Erath
Reaves
Reed
Riviere
Roach
Roberts
Robinson
Russell
Segrist
Skiles
Smith of Hopkins
Smith
of Matagorda
Spencer
Stinson
Stoll
Talbert
Tarwater
Taylor
Tennant
Thornberry
Turner
Vint
Waggoner
Weldon
Wells
Westbrook
White
Wilson
Wood
Worley
Wright

Nays—30

Boyer	Johnson of Ellis
Bradford	Kinard
Bray	Loggins
Bundy	McAlister
Burkett	McFarland
Celaya	McNamara
Clark	Monkhouse
Colquitt	Nicholson
Corry	Pace
Donaghey	Pope
Goodman	Rhodes
Hankamer	Smith of Frio
Hardin	Thornton
Howard	Vale
Hull	Winfree

Absent

Baker	Gordon, Mrs.
of Fort Bend	Hartzog
Baker of Grayson	Johnson of Tarrant
Broadfoot	Leyendecker
Dean	Montgomery
Dickson	Petsch
Dickson	Ragsdale
Dwyer	Schuenemann
Felty	Shell
Gilmer	Voigt

Absent—Excused

Crossley Hunt
Fielden

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 340, A bill to be entitled "An Act declaring the purpose of this enactment; providing for payment of old age assistance benefits; fixing qualifications of those entitled to receive old age assistance; defining the term 'needy person' and other words and terms used in this Act; fixing amount of assistance to be granted by the State; providing for preparation and execution of applications for assistance and supporting affidavits; creating Texas Old Age Commission, and providing for membership of such Commission; requiring the Commission to secure information showing income of applicants, and requiring statements by recipients of old age assistance of income, and providing for reviews and adjustments of assistance; etc., and declaring an emergency."

The bill was read second time.

Question—Shall House Bill No. 340 pass to engrossment?

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read the following message from the Governor:

May 15, 1939.

To the Members of the House of Representatives of the Forty-sixth Legislature:

In compliance with the terms of House Concurrent Resolution No. 148, I am herewith returning Senate Bill No. 181 to your body for such consideration as you wish to give it.

Very truly yours,

W. LEE O'DANIEL,
Governor.

RELATIVE TO SENATE BILL
NO. 181

Mr. Thornton moved to suspend all necessary Rules, for the purpose of making a motion to reconsider the vote by which Senate Bill No. 181 was passed.

The motion to suspend the Rules prevailed by the following vote:

Yeas—124

Allen	Kern
Allison	Kerr
Alsup	Kersey
Anderson	Kinard
Bailey	King
Baker	Langdon
of Fort Bend	Lehman
Bell	Leonard
Blankenship	Little
Boethel	Lock
Bond	London
Boyd	Mays
Boyer	McAlister
Bradford	McDaniel
Bray	McDonald
Bridgers	McFarland
Brown of Cherokee	McMurry
Brown	McNamara
of Nacogdoches	Mohrmann
Bundy	Monkhouse
Burkett	Montgomery
Cauthorn	Morris
Celaya	Newell
Chambers	Nicholson
Clark	Oliver
Cleveland	Petsch
Cockrell	Piner
Coleman	Pope
Colson, Mrs.	Reader of Bexar
Cornett	Reader of Erath
Corry	Reaves
Daniel	Reed
Davis of Jasper	Rhodes
Davis of Upshur	Riviere
Derden	Roach
Donaghey	Roberts
Dowell	Robinson
Dwyer	Russell
Faulkner	Schuenemann
Ferguson	Segrist
Fuchs	Skiles
Galbreath	Smith of Hopkins
Goodman	Smith
Gordon, Mrs.	of Matagorda
Hamilton	Spencer
Hankamer	Stinson
Hardeman	Stoll
Hardin	Tarwater
Harp	Taylor
Harrell of Bastrop	Tennant
Harrell of Lamar	Thornberry
Harris	Thornton
Heflin	Turner
Holland	Vale
Howard	Vint
Howington	Voigt
Hull	Waggoner
Isaacks	Weldon
Johnson of Ellis	Wells
Johnson of Tarrant	Westbrook
Keith	Wilson
Kennedy	Winfree

Wood
Worley

Wright
Nays—1

White

Absent

Baker of Grayson	Harper
Bradbury	Hartzog
Broadfoot	Leyendecker
Burney	Loggins
Colquitt	Pace
Dean	Pevehouse
Dickison	Ragsdale
Dickson	Shell
Felty	Smith of Frio
Gilmer	Talbert
Hale	

Absent—Excused

Crossley
Fielden

Hunt

On motion of Mr. Thornton, the vote was reconsidered by which Senate Bill No. 181 was passed.

Question—Shall Senate Bill No. 181 be passed?

Mr. Thornton offered the following amendments to the bill:

Amend Senate Bill No. 181, by striking out the word "should" appearing on page 2, line 29, and inserting in lieu thereof the word "shall".

Amend Senate Bill No. 181, by adding the following sentence at the end of Section 1:

"A copy of a list of such instruments shall be filed with the Clerk of the County Court at least three (3) days before the trial of a case and said County Clerk shall on the day of the trial deliver or cause to be delivered, to the Court in which the case is pending, all of the records requested, and said Clerk shall not charge for the use of said records."

The amendments were adopted by the following vote:

Yeas—115

Allen	Bradford
Allison	Bray
Alsup	Bridgers
Anderson	Brown of Cherokee
Bailey	Brown
Baker	of Nacogdoches
of Fort Bend	Bundy
Bell	Burkett
Blankenship	Burney
Bond	Cauthorn
Boyd	Celaya
Bcyer	Chambers

Clark	McDonald
Cleveland	McFarland
Coleman	McMurry
Colquitt	McNamara
Colson, Mrs.	Mohrmann
Cornett	Monkhouse
Corry	Montgomery
Daniel	Morris
Davis of Jasper	Nicholson
Davis of Upshur	Oliver
Derden	Petsch
Donaghey	Pevehouse
Dowell	Piner
Faulkner	Reader of Bexar
Ferguson	Reader of Erath
Fuchs	Reaves
Galbreath	Reed
Gordon, Mrs.	Rhodes
Hale	Riviere
Hamilton	Roach
Hankamer	Roberts
Hardin	Robinson
Harp	Russell
Harrell of Bastrop	Segrist
Harrell of Lamar	Skiles
Harris	Smith
Heflin	of Matagorda
Holland	Spencer
Howard	Stinson
Howington	Stoll
Isaacks	Tarwater
Johnson of Ellis	Taylor
Johnson of Tarrant	Tennant
Keith	Thornberry
Kennedy	Thornton
Kern	Turner
Kerr	Vale
Kersey	Vint
King	Waggoner
Langdon	Weldon
Lehman	Wells
Leonard	Westbrook
Lock	Wilson
London	Winfree
Mays	Wood
McAlister	Worley
McDaniel	Wright

Nays—1

White

Absent

Baker of Grayson	Hardeman
Boethel	Harper
Bradbury	Hartzog
Broadfoot	Hull
Cockrell	Kinard
Dean	Leyendecker
Dickison	Little
Dickson	Loggins
Dwyer	Newell
Felty	Pace
Gilmer	Pope
Goodman	Ragsdale

Schuenemann	Smith of Hopkins
Shell	Talbert
Smith of Frio	Voigt

Absent—Excused

Crossley	Hunt
Fielden	

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 181 was then passed by the following vote:

Yeas—124

Allen	Hankamer
Allison	Hardeman
Alsup	Hardin
Bailey	Harp
Baker	Harper
of Fort Bend	Harrell of Bastrop
Baker of Grayson	Harrell of Lamar
Bell	Harris
Blankenship	Heflin
Boethel	Holland
Bond	Howard
Boyd	Howington
Boyer	Hull
Bradbury	Isaacks
Bradford	Johnson of Ellis
Bray	Johnson of Tarrant
Bridgers	Keith
Brown of Cherokee	Kennedy
Brown	Kern
of Nacogdoches	Kerr
Bundy	Kersey
Burkett	Kinard
Cauthorn	King
Celaya	Langdon
Chambers	Leonard
Clark	Little
Cleveland	Lock
Cockrell	London
Coleman	Mays
Colquitt	McAlister
Colson, Mrs.	McDaniel
Cornett	McDonald
Daniel	McFarland
Davis of Jasper	McMurry
Davis of Upshur	McNamara
Derden	Mohrmann
Dickson	Monkhouse
Donaghey	Montgomery
Dowell	Morris
Faulkner	Newell
Ferguson	Nicholson
Fuchs	Oliver
Galbreath	Pace
Goodman	Pevehouse
Gordon, Mrs.	Piner
Hale	Reader of Bexar
Hamilton	Reader of Erath

Reaves	Taylor
Reed	Tennant
Rhodes	Thornberry
Riviere	Thornton
Roach	Turner
Roberts	Vale
Robinson	Vint
Russell	Voigt
Segrist	Waggoner
Skiles	Weldon
Smith of Hopkins	Wells
Smith	Westbrook
of Matagorda	Wilson
Spencer	Winfree
Stinson	Worley
Stoll	Wright
Tarwater	

Nays—2

Lehman	White
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Absent

Anderson	Leyendecker
Broadfoot	Loggins
Burney	Petsch
Corry	Pope
Dean	Ragsdale
Dickison	Schuenemann
Dwyer	Shell
Felty	Smith of Frio
Gilmer	Talbert
Hartzog	Wood

Absent—Excused

Crossley	Hunt
Fielden	

RELATIVE TO SENATE BILL NO. 115

Mr. Montgomery moved to suspend all necessary Rules, for the purpose of making a motion to reconsider the vote by which Senate Bill No. 115 was passed.

The motion to suspend the Rules prevailed by the following vote:

Yeas—128

Allen	Bradford
Allison	Bray
Alsup	Bridgers
Bailey	Brown of Cherokee
Baker	Brown
of Fort Bend	of Nacogdoches
Baker of Grayson	Bundy
Bell	Burkett
Blankenship	Burney
Boethel	Cauthorn
Bond	Celaya
Boyd	Chambers
Boyer	Clark
Bradbury	Cleveland

Cockrell	McDonald
Coleman	McFarland
Colquitt	McMurry
Colson, Mrs.	McNamara
Cornett	Mohrmann
Corry	Monkhouse
Daniel	Montgomery
Davis of Jasper	Morris
Davis of Upshur	Newell
Derden	Nicholson
Dickson	Oliver
Donaghey	Pace
Dowell	Pevehouse
Dwyer	Piner
Faulkner	Pope
Ferguson	Reader of Bexar
Fuchs	Reader of Erath
Galbreath	Reaves
Goodman	Reed
Gordon, Mrs.	Rhodes
Hale	Riviere
Hamilton	Roach
Hardeman	Roberts
Hardin	Robinson
Harp	Russell
Harrell of Bastrop	Segrist
Harrell of Lamar	Skiles
Harris	Smith of Hopkins
Heflin	Smith
Holland	of Matagorda
Howard	Spencer
Howington	Stinson
Hull	Stoll
Isaacks	Tarwater
Johnson of Ellis	Taylor
Johnson of Tarrant	Thornberry
Keith	Thornton
Kennedy	Turner
Kern	Vale
Kerr	Vint
Kersey	Voigt
Kinard	Waggoner
King	Weldon
Langdon	Wells
Lehman	Westbrook
Leonard	White
Little	Wilson
Lock	Winfree
London	Wood
Mays	Worley
McAlister	Wright
McDaniel	

Absent

Anderson	Leyendecker
Broadfoot	Loggins
Dean	Petsch
Dickison	Ragsdale
Felty	Schuenemann
Gilmer	Shell
Hankamer	Smith of Frio
Harper	Talbert
Hartzog	Tennant

Absent—Excused

Crossley	Hunt
Fielden	

On motion of Mr. Montgomery, the vote was reconsidered by which Senate Bill No. 115 was passed.

Question—Shall Senate Bill No. 115 be passed?

Mr. Montgomery offered the following amendment to the bill:

Amend Senate Bill No. 115, by striking out of Section 1, the term "for the faithful performance of his duties and", and insert in lieu thereof, the following: "upon the payment to the association of".

The amendment was adopted by the following vote:

Yeas—128

Allen	Dwyer
Allison	Faulkner
Alsup	Ferguson
Bailey	Fuchs
Baker	Galbreath
of Fort Bend	Goodman
Baker of Grayson	Gordon, Mrs.
Bell	Hale
Blankenship	Hamilton
Boethel	Hardeman
Bond	Hardin
Boyd	Harp
Boyer	Harrell of Bastrop
Bradbury	Harrell of Lamar
Bradford	Harris
Bray	Heflin
Bridgers	Holland
Brown of Cherokee	Howard
Brown	Howington
of Nacogdoches	Hull
Bundy	Isaacks
Burkett	Johnson of Ellis
Burney	Johnson of Tarrant
Cauthorn	Keith
Celaya	Kennedy
Chambers	Kern
Clark	Kerr
Cleveland	Kersey
Cockrell	Kinard
Coleman	King
Colquitt	Langdon
Colson, Mrs.	Lehman
Cornett	Leonard
Corry	Little
Daniel	Lock
Davis of Jasper	London
Davis of Upshur	Mays
Derden	McAlister
Dickson	McDaniel
Donaghey	McDonald
Dowell	McFarland

McMurry	Smith of Hopkins	Cockrell	McDonald
McNamara	Smith	Coleman	McFarland
Mohrmann	of Matagorda	Colquitt	McMurry
Monkhouse	Spencer	Colson, Mrs.	McNamara
Montgomery	Stinson	Cornett	Mohrmann
Morris	Stoll	Corry	Monkhouse
Newell	Tarwater	Daniel	Montgomery
Nicholson	Taylor	Davis of Jasper	Morris
Oliver	Thornberry	Davis of Upshur	Newell
Pace	Thornton	Derden	Nicholson
Pevehouse	Turner	Dickson	Oliver
Piner	Vale	Donaghey	Pace
Pope	Vint	Dowell	Pevehouse
Reader of Bexar	Voigt	Dwyer	Piner
Reader of Erath	Waggoner	Faulkner	Pope
Reaves	Weldon	Ferguson	Reader of Bexar
Reed	Wells	Fuchs	Reader of Erath
Rhodes	Westbrook	Galbreath	Reaves
Riviere	White	Goodman	Reed
Roach	Wilson	Gordon, Mrs.	Rhodes
Roberts	Winfree	Hale	Riviere
Robinson	Wood	Hamilton	Roach
Russell	Worley	Hardeman	Roberts
Segrist	Wright	Hardin	Robinson
Skiles		Harp	Russell
	Absent	Harrell of Bastrop	Segrist
Anderson	Leyendecker	Harrell of Lamar	Skiles
Broadfoot	Loggins	Harris	Smith of Hopkins
Dean	Petsch	Heflin	Smith
Dickison	Ragsdale	Holland	of Matagorda
Felty	Schuenemann	Howard	Spencer
Gilmer	Shell	Howington	Stinson
Hankamer	Smith of Frio	Hull	Stoll
Harper	Talbert	Isaacks	Tarwater
Hartzog	Tennant	Johnson of Ellis	Taylor
		Johnson of Tarrant	Thornberry
		Keith	Thornton
		Kennedy	Turner
		Kern	Vale
		Kerr	Vint
		Kersey	Voigt
		Kinard	Waggoner
		King	Weldon
		Langdon	Wells
		Lehman	Westbrook
		Leonard	White
		Little	Wilson
		Lock	Winfree
		London	Wood
		Mays	Worley
		McAlister	Wright
		McDaniel	
			Absent
		Anderson	Leyendecker
		Broadfoot	Loggins
		Dean	Petsch
		Dickison	Ragsdale
		Felty	Schuenemann
		Gilmer	Shell
		Hankamer	Smith of Frio
		Harper	Talbert
		Hartzog	Tennant

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 115 was then passed by the following vote:

Yeas—128

Allen	Bradford
Allison	Bray
Alsup	Bridgers
Bailey	Brown of Cherokee
Baker	Brown
of Fort Bend	of Nacogdoches
Baker of Grayson	Bundy
Bell	Burkett
Blankenship	Burney
Boethel	Cauthorn
Bond	Celaya
Boyd	Chambers
Boyer	Clark
Bradbury	Cleveland

Absent—Excused

Crossley
Fielden

Hunt

HOUSE CONCURRENT RESOLUTION NO. 122 WITH SENATE AMENDMENTS

Mr. Gilmer called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 122, To grant O. L. Neyland permission to sue the State.

On motion of Mr. Gilmer, the House concurred in the Senate amendments.

SENATE BILL NO. 200 ON SECOND READING

On motion of Mr. Segrist, the regular order of business was suspended, to take up, and have placed on its second reading and passage to third reading, Senate Bill No. 200.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 200, A bill to be entitled "An Act defining bedding to include mattresses, pillows, bolsters, feather beds, etc.; requiring the labelling of bedding as to whether new or second-hand materials are used; etc., and declaring an emergency."

The bill was read second time.

Mr. Bell offered the following amendment to the bill:

Amend printed bill of Senate Bill No. 200, by striking out the words "or from any other source" on page 3, line 21.

The amendment was adopted.

Mr. Vint offered the following amendment to the bill:

Amend Senate Bill No. 200, by adding after the word "bedding," on line 26, page 2, of the printed bill, the following words, "and type or grade of cotton and all other materials used in filling mattress to which attached when new materials are used."

The amendment was adopted.

Mr. Wood offered the following amendment to the bill:

Amend Senate Bill No. 200, page 4, line 19, by changing the words and figures, "\$10.00," to "\$5.00," and by changing the words and figures in line 20 from "\$5.00" to "\$2.00," and also changing the words and figures,

"\$25.00," in line 24, page 4, to "\$10.00."

Mr. Bell moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—68

Allen	Johnson of Tarrant
Allison	Keith
Baker	Langdon
of Fort Bend	Lock
Baker of Grayson	Loggins
Bell	Mays
Blankenship	McAlister
Bond	McDaniel
Boyd	McDonald
Boyer	McFarland
Bradbury	McMurry
Bradford	Pace
Brown of Cherokee	Petsch
Brown	Pevehouse
of Nacogdoches	Reaves
Burney	Rhodes
Cauthorn	Riviere
Cleveland	Roach
Coleman	Robinson
Colquitt	Schuenemann
Corry	Segrist
Dickson	Shell
Dwyer	Smith of Frio
Fuchs	Smith of Hopkins
Galbreath	Stinson
Goodman	Stoll
Gordon, Mrs.	Taylor
Hamilton	Tennant
Hankamer	Thornberry
Harp	Turner
Harrell of Bastrop	Vint
Harrell of Lamar	Voigt
Heflin	Waggoner
Howard	Wells
Hull	
Isaacks	

Nays—59

Alsup	Dowell
Bailey	Faulkner
Boethel	Ferguson
Bridgers	Hardeman
Bundy	Hardin
Burkett	Harper
Celaya	Harris
Chambers	Holland
Clark	Howington
Colson, Mrs.	Johnson of Ellis
Daniel	Kennedy
Davis of Jasper	Kern
Davis of Upshur	Kerr
Derden	Kersey
Donaghey	Kinard

King	Smith
Lehman	of Matagorda
London	Spencer
McNamara	Talbert
Mohrmann	Tarwater
Monkhouse	Thornton
Morris	Vale
Newell	Weldon
Nicholson	Westbrook
Oliver	White
Piner	Wilson
Reader of Erath	Winfree
Roberts	Wood
Russell	Worley
Skiles	Wright

Absent

Anderson	Hartzog
Bray	Leonard
Broadfoot	Leyendecker
Cockrell	Little
Cornett	Montgomery
Dean	Pope
Dickison	Ragsdale
Felty	Reader of Bexar
Gilmer	Reed
Hale	

Absent—Excused

Crossley	Hunt
Fielden	

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

Senate Bill No. 200 was then passed to third reading.

Mr. Bell moved to reconsider the vote by which Senate Bill No. 200 was passed to third reading, and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE SENATE BILL NO. 200 ON THIRD READING

Mr. Bell moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 200 be placed on its third reading, and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—92

Allen	Baker of Grayson
Allison	Bell
Alsup	Blankenship
Baker	Bond
of Fort Bend	Boyd

Boyer	Loggins
Bradbury	Mays
Bradford	McAlister
Bridgers	McDaniel
Brown of Cherokee	McDonald
Brown	McFarland
of Nacogdoches	McMurry
Burney	Monkhouse
Cauthorn	Morris
Cleveland	Newell
Coleman	Pace
Colquitt	Petsch
Colson, Mrs.	Pevehouse
Cornett	Piner
Corry	Reaves
Dickson	Reed
Dowell	Rhodes
Dwyer	Riviere
Faulkner	Roach
Felty	Robinson
Fuchs	Schuenemann
Galbreath	Segrist
Goodman	Shell
Gordon, Mrs.	Smith of Hopkins
Hale	Smith
Hamilton	of Matagorda
Hankamer	Stinson
Hardeman	Stoll
Harp	Talbert
Harper	Taylor
Harrell of Bastrop	Tennant
Harrell of Lamar	Thornberry
Hartzog	Thornton
Heflin	Turner
Howard	Vale
Hull	Vint
Isaacks	Voigt
Johnson of Tarrant	Waggoner
Keith	Wells
King	White
Langdon	Winfree
Lehman	Worley
Leonard	

Nays—39

Bailey	Johnson of Ellis
Boethel	Kennedy
Bray	Kern
Bundy	Kerr
Burkett	Kersey
Chambers	Kinard
Clark	Lock
Daniel	London
Davis of Jasper	Mohrmann
Davis of Upshur	Nicholson
Derden	Oliver
Donaghey	Reader of Erath
Ferguson	Roberts
Gilmer	Russell
Hardin	Skiles
Harris	Spencer
Holland	Tarwater
Howington	Weldon

Westbrook	Wright
Wood	
	Absent
Anderson	McNamara
Broadfoot	Montgomery
Celaya	Pope
Cockrell	Ragsdale
Dean	Reader of Bexar
Dickison	Smith of Frio
Leyendecker	Wilson
Little	

Absent—Excused

Crossley	Hunt
Fielden	

HOUSE BILL NO. 758 ON SECOND READING

On motion of Mr. Reaves, the regular order of business was suspended, to take up, and have placed on its second reading, and passage to engrossment, House Bill No. 758.

The Speaker then laid before the House, on its second reading, and passage to engrossment,

H. B. No. 758, A bill to be entitled "An Act authorizing counties to establish and operate sewing rooms, and to provide for the improvement of public records; authorizing Commissioners' Courts of counties to make contracts for the purposes of discovery of land and improvements escaping taxation, compiling and assembling delinquent taxes and ownership record, the elimination of double assessments and elimination or reduction of unknown ownerships and compiling of data pertaining to the value of taxable property for use by the Tax Assessor and Board of Equalization; etc., and declaring an emergency."

The bill was read second time.

Mr. Reaves offered the following amendment to the bill:

Amend House Bill No. 758, by striking out all below the enacting clause and inserting in lieu thereof the following, amending the caption to comply therewith:

"Sec. 1. Commissioners' Courts and the governing bodies of cities, towns and villages of any county of this State are hereby authorized to jointly or severally establish and operate or cooperate in operating sewing rooms, canning plants and projects of a useful public purpose which provide employment for needy persons and to lease, rent or provide office space or

necessary housing facilities for the purpose of aiding and cooperating with the agencies of the State and Federal Governments engaged in the administration of relief to the unemployed or needy people of the State of Texas and to pay all necessary office, rental and utility bills and all other expenses for the proper administration thereof.

1a. Provided further, the County Commissioners' Courts and the governing body of any city, town or village of this State may jointly or severally appoint, employ and pay the salary of case-workers and investigators to make investigations of needy persons to whom may be supplied necessities and supplies furnished by the Texas Relief Commission or any Federal Agency Bureau, or department handling supplies for the relief of needy persons. Said employment and appointment to be made subject to the provisions of this Act, in such proportionate parts as may be agreed upon by the said Commissioners' Courts of any county and any municipal government of any city, town or village situated in said County. Providing further that this Act does not compel any Commissioners' Court in this State or Municipal Government of any city, town or village to employ any such case-worker or investigator but that the employment, appointment and paying the salary of any such case-worker or investigator shall be discretionary with any Commissioners' Court or Municipal Government of any city, town or village in any county.

Sec. 2. Such governing bodies are also authorized to provide for the improvement of public records, by indexing, or reindexing, transcription or records, replacement of files and indexes.

Sec. 3. The Commissioners' Court of any county or the governing body of any city, town or village in this State is hereby authorized to make contracts for the following purposes; the discovery of land and improvements then escaping taxation; the compiling and assembling in form for convenient use a record showing the amount of delinquent taxes of the county, city and State against each tract of land in said County, the ownership thereof and other data useful in connection with the collection of such taxes, the elimination of double assessments, the elimination or reduc-

tion of unknown ownerships; and the assembling and compiling of data pertaining to the value of taxable property within such county, city for use by the tax assessor and the board of equalization of such county or city, in arriving at the value at which such property should be rendered or assessed for taxation; or for any one or more of said purposes.

Sec. 4. This Act shall apply only in instances where the Works Progress Administration or other agency of the United States Government or of the State of Texas, agrees to contribute a portion of the money or labor necessary for the completion of such work as provided for in Section 3 hereof.

Sec. 5. For the purpose of evidencing its indebtedness under any such contract, or paying for labor, equipment, materials and expense necessary in connection with such project, the county or city may issue interest-bearing time warrants against the General Fund of the County or City, maturing in such number of years and bearing such rate or rates of interest as may be determined by the governing body or bodies of such county, city, town or village.

Sec. 6. Where such time warrants are issued it is hereby made the duty of the governing body or bodies of such county, city, town or village to levy and have assessed and collected taxes at the rate of three (3c) cents on the \$100.00 assessed valuation or so much thereof as shall be sufficient to pay the interest as it accrues and the principal as it matures thereon. The same duties in reference to the levy, assessment and collection of taxes as are imposed by the provisions of Chapters 1 and 2 of Title 22, Revised Civil Statutes of 1925, to assure the payment of taxes on bonds in reference to all time warrants issued under authority of this Act. Provided, however, that if said 3c tax is insufficient to pay said interest as it accrues and the principal as it matures it shall be the duty of said governing body or bodies to levy an additional tax necessary to provide for the payment of such warrants to the extent that such additional tax can be imposed without causing a deficit in the necessary current operating fund of the county, city, town or village.

Sec. 7. This Act shall not be so construed as to revoke any authority now existing in counties or cities to

make contracts for any of the purposes above mentioned, or to repeal any existing law, but this law shall be cumulative thereof.

Sec. 8. The facts that certain counties, cities, towns and villages to which this Act is applicable are urgently in need of the authority conferred by this Act, that the incurring of such permitted obligations is calculated to provide immediate employment to needy persons for useful purposes, that the Works Progress Administration has offered to furnish part of the necessary labor for the performance of such contracts, and that such offers are likely to be withdrawn within the immediate future creates an emergency and an imperative public necessity that the Constitutional Rule requiring that all bills be read on three several days be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force immediately from and after its passage and it is so resolved."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

House Bill No. 758 was then passed to engrossment.

HOUSE BILL NO. 758 ON THIRD READING

Mr. Reaves moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 758 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—127

Allen	Bray
Allison	Bridgers
Alsup	Brown of Cherokee
Anderson	Brown
Bailey	of Nacogdoches
Baker	Bundy
of Fort Bend	Burkett
Baker of Grayson	Burney
Bell	Cauthorn
Blankenship	Chambers
Boethel	Clark
Bond	Cleveland
Boyd	Coleman
Boyer	Colquitt
Bradbury	Colson, Mrs.
Bradford	Cornett

Corry	Mohrmann
Daniel	Monkhouse
Davis of Jasper	Montgomery
Davis of Upshur	Morris
Derden	Newell
Dickson	Oliver
Donaghey	Pace
Dowell	Petsch
Faulkner	Pevehouse
Felty	Piner
Ferguson	Reader of Bexar
Fuchs	Reader of Erath
Galbreath	Reaves
Goodman	Reed
Gordon, Mrs.	Rhodes
Hamilton	Riviere
Hankamer	Roach
Hardeman	Roberts
Hardin	Robinson
Harp	Russell
Harper	Schuenemann
Harrell of Bastrop	Segrist
Harrell of Lamar	Shell
Harris	Skiles
Heflin	Smith of Hopkins
Holland	Smith
Howard	of Matagorda
Howington	Spencer
Hull	Stinson
Isaacks	Stoll
Johnson of Ellis	Talbert
Johnson of Tarrant	Tarwater
Keith	Taylor
Kennedy	Tennant
Kern	Thornberry
Kerr	Thornton
Kersey	Turner
King	Vale
Langdon	Vint
Lehman	Voigt
Little	Waggoner
Lock	Weldon
Loggins	Wells
London	Westbrook
Mays	White
McAlister	Winfree
McDaniel	Wood
McDonald	Worley
McMurry	Wright

Nays—4

Kinard	Nicholson
McNamara	Wilson

Absent

Broadfoot	Hartzog
Celaya	Leonard
Cockrell	Leyendecker
Dean	McFarland
Dickison	Pope
Dwyer	Ragsdale
Gilmer	Smith of Frio
Hale	

Absent—Excused

Crossley	Hunt
Fielden	

The Speaker then laid House Bill No. 758 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—127

Allen	Harp
Allison	Harper
Alsup	Harrell of Bastrop
Anderson	Harrell of Lamar
Bailey	Harris
Baker	Heflin
of Fort Bend	Holland
Baker of Grayson	Howard
Bell	Howington
Blankenship	Hull
Boethel	Isaacks
Bond	Johnson of Ellis
Boyd	Johnson of Tarrant
Boyer	Keith
Bradbury	Kennedy
Bradford	Kern
Bray	Kerr
Brown of Cherokee	Kersey
Brown	King
of Nacogdoches	Langdon
Bundy	Lehman
Burkett	Leonard
Burney	Lock
Cauthorn	Loggins
Chambers	London
Clark	Mays
Cleveland	McAlister
Cockrell	McDaniel
Coleman	McDonald
Colquitt	McMurry
Colson, Mrs.	Mohrmann
Cornett	Monkhouse
Corry	Montgomery
Daniel	Morris
Davis of Jasper	Newell
Davis of Upshur	Nicholson
Derden	Oliver
Dickson	Pace
Donaghey	Petsch
Dowell	Pevehouse
Faulkner	Piner
Felty	Pope
Ferguson	Reader of Bexar
Fuchs	Reader of Erath
Galbreath	Reaves
Goodman	Reed
Gordon, Mrs.	Rhodes
Hamilton	Riviere
Hankamer	Roach
Hardeman	Roberts
Hardin	Robinson

Russell	Thornton
Segrist	Turner
Skiles	Vale
Smith of Hopkins	Vint
Smith of Matagorda	Waggoner
Spencer	Weldon
Stinson	Wells
Stoll	Westbrook
Talbert	White
Tarwater	Wilson
Taylor	Winfree
Tennant	Wood
Thornberry	Worley
	Wright

Nays—2

Kinard McNamara

Absent

Bridgers	Leyendecker
Broadfoot	Little
Celaya	McFarland
Dean	Ragsdale
Dickson	Schuenemann
Dwyer	Shell
Gilmer	Smith of Frio
Hale	Voigt
Hartzog	

Absent—Excused

Crossley Hunt
Fielden

HOUSE BILL NO. 1077 ON SECOND READING

On motion of Mr. Kennedy, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 1077.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 1077, A bill to be entitled "An Act providing for more adequate and equitable salary for County Superintendents of Public Instruction in all those counties of Texas coming within the brackets and population figures herein, specifically in all those counties having not less than thirty-four thousand, six hundred (34,600) and not more than thirty-four thousand, seven hundred (34,700), according to the last preceding Federal Census; modifying all laws or parts of laws in conflict herewith; making this Act cumulative of the General Law, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 1077 ON THIRD READING

Mr. Kennedy moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 1077 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—124

Allen	Holland
Allison	Howard
Anderson	Howington
Bailey	Hull
Baker	Johnson of Ellis
of Fort Bend	Johnson of Tarrant
Baker of Grayson	Keith
Blankenship	Kennedy
Boethel	Kern
Bond	Kerr
Boyd	Kersey
Boyer	Kinard
Bradbury	King
Bradford	Langdon
Bray	Lehman
Bridgers	Leonard
Brown of Cherokee	Little
Bundy	Lock
Cauthorn	Loggins
Celaya	London
Chambers	Mays
Cleveland	McAlister
Coleman	McDaniel
Colson, Mrs.	McDonald
Cornett	McMurry
Corry	McNamara
Davis of Jasper	Mohrmann
Davis of Upshur	Monkhouse
Derden	Montgomery
Dickson	Morris
Donaghey	Newell
Dowell	Nicholson
Dwyer	Oliver
Faulkner	Pace
Felty	Petsch
Ferguson	Pevehouse
Fuchs	Piner
Galbreath	Reader of Bexar
Goodman	Reader of Erath
Gordon, Mrs.	Reaves
Hale	Reed
Hamilton	Rhodes
Hankamer	Riviere
Hardeman	Roach
Hardin	Roberts
Harp	Robinson
Harper	Russell
Harrell of Bastrop	Schuenemann
Harrell of Lamar	Segrist
Harris	Shell
Heflin	Skiles

Smith of Frio	Thornton
Smith of Hopkins	Turner
Smith	Voigt
of Matagorda	Waggoner
Spencer	Weldon
Stinson	Wells
Stoll	Westbrook
Talbert	White
Tarwater	Wilson
Taylor	Winfree
Tennant	Wood
Thornberry	Wright

Present—Not Voting

Brown
of Nacogdoches

Absent

Alsup	Gilmer
Bell	Hartzog
Broadfoot	Isaacks
Burkett	Leyendecker
Burney	McFarland
Clark	Pope
Cockrell	Ragsdale
Colquitt	Vale
Daniel	Vint
Dean	Worley
Dickison	

Absent—Excused

Crossley	Hunt
Fielden	

The Speaker then laid House Bill No. 1077 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—124

Allen	Coleman
Allison	Colson, Mrs.
Anderson	Cornett
Bailey	Corry
Baker	Davis of Jasper
of Fort Bend	Davis of Upshur
Baker of Grayson	Derden
Blankenship	Dickson
Boethel	Donaghey
Bond	Dowell
Boyd	Dwyer
Boyer	Faulkner
Bradbury	Felty
Bradford	Ferguson
Bray	Fuchs
Bridgers	Galbreath
Brown of Cherokee	Goodman
Bundy	Gordon, Mrs.
Cauthorn	Hale
Celaya	Hamilton
Chambers	Hankamer
Cleveland	Hardeman

Hardin	Petsch
Harp	Pevehouse
Harper	Piner
Harrell of Bastrop	Reader of Bexar
Harrell of Lamar	Reader of Erath
Harris	Reaves
Heflin	Reed
Holland	Rhodes
Howard	Riviere
Howington	Roach
Hull	Roberts
Johnson of Ellis	Robinson
Johnson of Tarrant	Russell
Keith	Schuenemann
Kennedy	Segrist
Kern	Shell
Kerr	Skiles
Kersey	Smith of Frio
Kinard	Smith of Hopkins
King	Smith
Langdon	of Matagorda
Lehman	Spencer
Leonard	Stinson
Little	Stoll
Lock	Talbert
Loggins	Tarwater
London	Taylor
Mays	Tennant
McAlister	Thornberry
McDaniel	Thornton
McDonald	Turner
McMurry	Vint
McNamara	Waggoner
Mohrmann	Weldon
Monkhouse	Wells
Montgomery	Westbrook
Morris	White
Newell	Wilson
Nicholson	Winfree
Oliver	Wood
Pace	Wright

Present—Not Voting

Brown
of Nacogdoches

Absent

Alsup	Gilmer
Bell	Hartzog
Broadfoot	Isaacks
Burkett	Leyendecker
Burney	McFarland
Clark	Pope
Cockrell	Ragsdale
Colquitt	Vale
Daniel	Voigt
Dean	Worley
Dickison	

Absent—Excused

Crossley	Hunt
Fielden	

HOUSE BILL NO. 562 ON THIRD READING

Mr. Baker of Fort Bend moved that the regular order of business be suspended, to take up, and have placed on its third reading and final passage, House Bill No. 562.

The motion prevailed by the following vote:

Yeas—79

Bailey	Lehman
Baker	Leonard
of Fort Bend	Leyendecker
Baker of Grayson	Lock
Boyd	Loggins
Bradbury	Mays
Bradford	McAlister
Bray	McDaniel
Bridgers	McDonald
Brown of Cherokee	McMurry
Cauthorn	Mohrmann
Celaya	Monkhouse
Chambers	Montgomery
Colson, Mrs.	Oliver
Daniel	Petsch
Davis of Jasper	Pevehouse
Dickson	Piner
Dowell	Pope
Dwyer	Reader of Bexar
Felty	Reader of Erath
Fuchs	Reaves
Galbreath	Rhodes
Goodman	Roach
Hardeman	Roberts
Hardin	Robinson
Harp	Schuenemann
Harper	Shell
Harrell of Bastrop	Skiles
Harris	Smith of Frio
Hartzog	Smith of Hopkins
Heflin	Spencer
Howard	Stinson
Howington	Tarwater
Hull	Tennant
Isaacks	Thornberry
Johnson of Ellis	Turner
Johnson of Tarrant	Vale
Kern	Weldon
Kerr	Westbrook
King	Winfree

Nays—48

Allen	Clark
Allison	Cleveland
Alsup	Colquitt
Blankenship	Cornett
Boethel	Corry
Bond	Davis of Upshur
Boyer	Derden
Bundy	Donaghey
Burkett	Faulkner

Ferguson	Reed
Gordon, Mrs.	Riviere
Hale	Russell
Hamilton	Segrist
Hankamer	Smith
Harrell of Lamar	of Matagorda
Holland	Stoll
Kennedy	Talbert
Kersey	Taylor
Kinard	Thornton
Langdon	Waggoner
London	Wells
McNamara	Wilson
Morris	Wood
Newell	Wright
Pace	

Present—Not Voting

Brown
of Nacogdoches

Absent

Anderson	Keith
Bell	Little
Broadfoot	McFarland
Burney	Nicholson
Cockrell	Ragsdale
Coleman	Vint
Dean	Voigt
Dickison	White
Gilmer	Worley

Absent—Excused

Crossley
Fielden

Hunt

The Speaker then laid before the House on its third reading and final passage,

H. B. No. 562, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue Fund of the State of Texas for the Livestock Sanitary Commission for additional support and maintenance of the Livestock Sanitary Commission for the balance of the fiscal year ending August 31, 1939, to recover the office expenses, traveling expenses, indemnity bangs reactor to cattle and goat owners. Of law enforcement, salaries of Inspectors providing for the regulations for which appropriations shall be expended and under which such Inspectors shall be employed, and declaring an emergency."

The bill was read third time.

Mr. Loggins offered the following amendment to the bill:

Amend House Bill No. 562, by adding in the proper place the following: "One Thousand (\$1,000.00) Dollars

shall be used for the purpose of exterminating the wild animal known as the bear in the big thicket area or section of Texas."

Mr. Hardeman raised a point of order, on consideration of the amendment, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Keith offered the following amendment to the bill:

Amend House Bill No. 562, by adding thereto a new Section, reading as follows:

"For construction and maintenance of a sheep dipping vat to be located in Grayson County, Texas, \$1,000.00."

KEITH,
BAKER of Grayson,
WAGGONER.

On motion of Mr. Hardeman, the amendment was tabled.

House Bill No. 562 was then passed.

Mr. Hardeman moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Hardeman moved to suspend all necessary Rules, for the purpose of making a motion to reconsider the vote by which House Bill No. 562 was passed.

The motion to suspend the Rules prevailed by the following vote:

Yeas—100

Allison	Colson, Mrs.
Alsup	Dickson
Anderson	Donaghey
Bailey	Felty
Baker	Gilmer
of Fort Bend	Goodman
Baker of Grayson	Gordon, Mrs.
Bell	Hale
Boethel	Hamilton
Boyd	Hardeman
Boyer	Hardin
Bradbury	Harp
Bradford	Harper
Bray	Harrell of Lamar
Bridgers	Hartzog
Brown of Cherokee	Heflin
Burney	Holland
Fuchs	Howard
Cauthorn	Howington
Celaya	Hull
Chambers	Isaacks
Clark	Johnson of Ellis
Cleveland	Johnson of Tarrant

Keith	Rhodes
Kerr	Riviere
Kinard	Roach
King	Roberts
Lehman	Robinson
Leyendecker	Schuenemann
Little	Shell
Lock	Skiles
Loggins	Smith of Frio
Mays	Smith of Hopkins
McAlister	Spencer
McDaniel	Stinson
McMurry	Stoll
Mohrmann	Talbert
Monkhouse	Tarwater
Montgomery	Thornberry
Morris	Thornton
Newell	Turner
Nicholson	Vale
Oliver	Vint
Pace	Voigt
Petsch	Westbrook
Pevehouse	Wilson
Piner	Wells
Ragsdale	Winfree
Reader of Bexar	Worley
Reader of Erath	Wright
Reaves	

Nays—29

Allen	Harris
Blankenship	Kennedy
Bond	Kern
Bundy	Kersey
Burkett	London
Colquitt	McDonald
Cornett	McNamara
Corry	Reed
Daniel	Russell
Davis of Jasper	Segrist
Davis of Upshur	Smith
Derden	of Matagorda
Faulkner	Taylor
Ferguson	Waggoner
Hankamer	Wood

Present—Not Voting

Brown
of Nacogdoches

Absent

Broadfoot	Harrell of Bastrop
Cockrell	Langdon
Coleman	Leonard
Dean	McFarland
Dickison	Pope
Dowell	Tennant
Dwyer	Weldon
Galbreath	White

Absent—Excused

Crossley	Hunt
Fielden	

On motion of Mr. Hardeman, the vote was reconsidered by which House Bill No. 562 was passed.

Question—Shall House Bill No. 562 be passed?

House Bill No. 562 was then passed by the following vote:

Yeas—94

Anderson	Kersey
Bailey	Kinard
Baker	King
of Fort Bend	Lehman
Baker of Grayson	Leyendecker
Bell	Little
Boethel	Lock
Boyd	Loggins
Boyer	Mays
Bradbury	McAlister
Bradford	McDaniel
Bray	McMurry
Bridgers	Mohrmann
Brown of Cherokee	Monkhouse
Burney	Montgomery
Cauthorn	Newell
Celaya	Nicholson
Chambers	Oliver
Clark	Pace
Cleveland	Petsch
Dickson	Pevehouse
Donaghey	Piner
Dowell	Pope
Dwyer	Reader of Bexar
Felty	Reader of Erath
Fuchs	Reaves
Galbreath	Rhodes
Gilmer	Riviere
Goodman	Roberts
Gordon, Mrs.	Robinson
Hale	Schuenemann
Hamilton	Shell
Hardeman	Skiles
Hardin	Smith of Frio
Harp	Spencer
Harper	Tarwater
Harrell of Bastrop	Thornberry
Harris	Turner
Heflin	Vale
Holland	Vint
Howard	Voigt
Howington	Weldon
Hull	Westbrook
Isaacks	White
Johnson of Ellis	Wilson
Johnson of Tarrant	Winfree
Keith	Worley
err	

Nays—40

Allen	Bond
Allison	Bundy
Alsop	Burkett
Blankenship	Colquitt

Colson, Mrs.	Reed
Cornett	Roach
Corry	Russell
Daniel	Segrist
Davis of Jasper	Smith of Hopkins
Davis of Upshur	Smith
Derden	of Matagorda
Faulkner	Stinson
Ferguson	Talbert
Hankamer	Taylor
Kennedy	Tennant
Kern	Thornton
Langdon	Waggoner
London	Wells
McDonald	Wood
McNamara	Wright
Morris	

Present—Not Voting

Brown
of Nacogdoches

Absent

Broadfoot	Hartzog
Cockrell	Leonard
Coleman	McFarland
Dean	Ragsdale
Dickison	Stoll
Harrell of Lamar	

Absent—Excused

Crossley	Hunt
Fielden	

HOUSE BILL NO. 451 ON SECOND READING

Mr. Dwyer moved that the regular order of business be suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 451.

The motion prevailed by the following vote:

Yeas—78

Allen	Cockrell
Allison	Colquitt
Alsop	Colson, Mrs.
Anderson	Daniel
Bailey	Davis of Jasper
Baker	Davis of Upshur
of Fort Bend	Dickson
Bell	Dwyer
Boethel	Ferguson
Bond	Fuchs
Boyer	Goodman
Bradbury	Hale
Bray	Hamilton
Bundy	Hardin
Burney	Harp
Celaya	Harper
Chambers	Harrell of Lamar
Cleveland	Heflin

Howard	Reader of Bexar
Howington	Reader of Erath
Johnson of Ellis	Rhodes
Johnson of Tarrant	Roach
Kern	Roberts
Kerr	Schuenemann
Kersey	Shell
King	Skiles
Lehman	Spencer
Leyendecker	Talbert
Little	Taylor
Lock	Thornton
Loggins	Turner
McDaniel	Vale
McMurry	Vint
McNamara	Weldon
Mohrmann	Westbrook
Monkhouse	Wilson
Montgomery	Winfree
Oliver	Worley
Pace	Wright
Pevehouse	

Nays—49

Baker of Grayson	Kinard
Blankenship	Langdon
Boyd	London
Bradford	Mays
Bridgers	McAlister
Brown of Cherokee	Morris
Brown of Nacogdoches	Newell
Burkett	Petsch
Cauthorn	Piner
Clark	Reaves
Cornett	Reed
Corry	Robinson
Derden	Russell
Dowell	Segrist
Faulkner	Smith of Frio
Galbreath	Smith of Hopkins
Gordon, Mrs.	Smith of Matagorda
Hankamer	Stinson
Hardeman	Stoll
Harris	Thornberry
Holland	Waggoner
Hull	Wells
Isaacks	White
Keith	Wood
Kennedy	

Absent

Broadfoot	McDonald
Coleman	McFarland
Dean	Nicholson
Dickison	Pope
Donaghey	Ragsdale
Felty	Riviere
Gilmer	Tarwater
Harrell of Bastrop	Tennant
Hartzog	Voigt
Leonard	

Absent—Excused

Crossley	Hunt
Fielden	

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 451, A bill to be entitled "An Act defining certain words, terms and phrases used herein; levying a luxury tax of two (2%) per cent of the gross receipts of the sale of all tangible personal property sold in this State; providing that such tax shall not apply to sales of foodstuffs, compounds of drugs filled by a prescription of a duly licensed physician and clothing where the retail sale price of each item of clothing does not exceed the sum of Ten (\$10.00) Dollars; providing for a luxury tax of two (2%) per cent of the gross receipts of any person engaging in the business and from the sales of admission tickets, cash admissions, charges and fees to places of amusement, games and athletic events; for the sales of electricity or electrical current, water, sewer service, gas, natural or artificial, to commercial or industrial consumers; for the sales of service to telephone subscribers, both local and long distance, and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; etc., and declaring an emergency."

The bill was read second time.

Mr. Dwyer offered the following amendment to the bill:

Amend House Bill No. 451, by striking out all below the enacting clause, and by inserting in lieu thereof, the following:

"Section 1. The following words, terms and phrases when used in this Act have the meanings ascribed to them herein, except where the context clearly indicates a different meaning:

(a) "Person" includes any individual, firm, co-partnership, joint stock company, association, corporation, estate, trustee, business trust, receiver, syndicate or any other group or combination acting as a unit, and the plural as well as the singular number.

(b) "Sale" means any transfer, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for valuable consideration, except

as herein otherwise provided, and the rendering, furnishing, or selling for a valuable consideration any of the substances and things and services hereinafter designated and defined

(c) "Business" includes any activity engaged in by any person, or caused to be engaged in by him, with the object of gain, benefit or advantage, either direct or indirect.

(d) "Gross receipts" means the total amount of the sale price of the sales at retail including any services that are a part of such sales made by the businesses herein referred to, capable of being valued in money, whether received in money or otherwise; provided, however, that "gross receipts" shall not include the sale price of property returned by customers when the full sale price thereof is refunded either in cash or by credit. For the purpose of this Act, the total amount of the sale price above mentioned shall be deemed to be the amount received.

(e) "Comptroller" means the Comptroller of Public Accounts of the State of Texas.

(f) "Sale at retail" means any transfer of the ownership of, or title to, tangible personal property to the purchaser, for use or consumption and not for resale in any form as tangible personal property, for a valuable consideration.

(g) The isolated or occasional sale of tangible personal property, service, substance, or thing, by a person not engaged in such business does not constitute engaging in business, within the meaning of this Act.

Sec. 2. For the privilege of a person engaging in the business of selling tangible personal property at retail a luxury tax is hereby imposed upon such person at the rate of two (2%) per cent of the gross receipts of any such person from the sale of all tangible personal property sold in this State on and after the effective date of this Act; provided that the provisions of this Section shall not apply to the sales at retail of foodstuffs, compounds of drugs filled by a prescription of a duly licensed physician and clothing where the retail sale price of each item of clothing does not exceed the sum of Ten (\$10.00) Dollars.

Sec. 3. For the privilege of a person engaging in the business of rendering the services, furnishing or sell-

ing the substances and things hereinafter in this Section designated or defined, a luxury tax is hereby imposed upon such person at the rate of two (2%) per cent of the gross receipts of any such person from the sale and/or the furnishing of the services, substances and things hereinafter in this Section designated or defined, sold and/or furnished in this State on and after the effective date of this Act. The tax imposed by this Section as to the sale of services, substances and things shall apply to the businesses of:

Sec. 4. The tax imposed by this Act shall be in addition to any and all other taxes except as herein otherwise provided. There are hereby specifically exempted from the provisions of this Act and from the computation of the tax levied, assessed or payable under this Act, such portion of the gross receipts as is derived from business conducted in commerce between this State and other States of the United States, or between this State and foreign countries, which the State of Texas is prohibited from taxing under the Constitution or laws of the United States of America, and such portion of the gross receipts as is derived from sales of tangible personal property, services, substances and things which the State of Texas is prohibited from taxing or further taxing under the Constitution of this State.

Sec. 5. The Comptroller is authorized to make, promulgate and enforce such reasonable rules and regulations relating to the administration and enforcement of the provisions of this Act as may be deemed expedient. For the purpose of carrying out the provisions of this Act, the Comptroller is hereby authorized and empowered to demand of any agency or department of the State Government, or of any officer of any political subdivision of the State, any and all information by him deemed necessary to properly administer any and all provisions of this Act.

Sec. 6. (1) Every person coming within the provisions of this Act, on or before the fifteenth day of the month after this Act becomes effective, and on or before the fifteenth day of every calendar month thereafter, individually or by duly authorized officer or agent, shall make and file with the Comptroller a written

return, in the manner and form designated or prescribed by said Comptroller, and upon blanks furnished by him showing the amount of gross receipts from sales by such person and the amount of tax for which such person is liable during and for the preceding calendar month, or that portion thereof subsequent to the effective date of this Act, and with such written return such person shall remit to the Comptroller the amount of said tax due from such person. In case of charge and time sales the amount thereof shall be included as sales in said returns as and when payments are received by the person, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, losses or any other expenses whatsoever; provided, collections made on charge and/or time sales consummated during the effective period of this Act and collected after the expiration of this Act shall be returned and the amount of tax paid thereon as by this Act provided. The amount of gross receipts from sales and the amount of tax due returned by such person, as well as all matters contained in said return, shall be subject to review and revision by the Comptroller in the manner hereinafter provided for the correction of such returns.

(2) On or before sixty (60) days after the end of the calendar year each person liable for the payment of a privilege tax under the provisions of this Act shall make a return showing the gross proceeds of sales, or gross income of business, and compute the amount of tax chargeable against him in accordance with the provisions of this Act, and deduct the amount of tax paid, if any, and transmit with his report a remittance covering the residue of the tax chargeable against him. Such return shall be verified by the oath of the taxpayer, if made by an individual, or by the oath of the President, Vice-President, Secretary or Treasurer of a corporation, if made on behalf of a corporation. If made on behalf of a partnership, association, trust, estate, or any other group or combination acting as a unit, any authorized agent or individual delegated by such firm, co-partnership, association, trust, estate, or any other

group or combination acting as a unit shall make the oath on behalf of the taxpayer.

(3) Refunds made by the seller during the preceding calendar month to purchasers, on account of tangible personal property, substances, services and things returned to the seller, shall be allowed as a deduction in case the seller had theretofore included the receipts from the sale of such in a return made by such person and had paid the tax imposed by this Act with respect to such receipts.

(4) The Comptroller for good cause may extend, for not to exceed thirty (30) days, the time for making any return or paying any tax required under the provisions of this Act.

Sec. 7. The burden of proving that a sale of tangible personal property, services, substances or things was not a sale at retail, shall be upon the person who made the sale. For the purpose of the proper administration of this Act and to prevent evasion of the tax hereby imposed, it shall be presumed that all gross receipts are subject to the tax hereby imposed until the contrary is established, except as herein otherwise provided. If the Comptroller is not satisfied with the return and payment of the tax made by any person, he is hereby authorized and empowered to make an additional assessment of tax due from such person, based upon the facts contained in the return or upon any information within his possession or that shall come into his possession. The Comptroller shall give to the person written notice of such additional or revised assessment, together with written notice of the time and place where the person may be heard on a petition by him for re-assessment. Such notice may be served upon the person personally, or by registered mail addressed to the person at his address as the same appears in the records of the Comptroller.

Sec. 8. (1) Every person engaged in the businesses herein described in this State shall keep records and books of his gross daily sales, together with invoices, bills of lading, sales records, copies of bills of sale and other pertinent papers and documents. Such books and records and other papers and documents shall, at all times during business hours of

the day, be subject to inspection by the Comptroller or Attorney General or each of their duly authorized agents and employees. Such books and records shall be preserved for a period of at least two years, unless the Comptroller, in writing authorizes their destruction or disposal at an earlier date.

(2) For the purpose of ascertaining the correctness of any return, or for the purpose of determining the amount of tax due from any person, the Comptroller or any employee of the Comptroller designated in writing by the Comptroller, may hold investigations and hearings concerning any matters covered by this Act, and may examine any books, papers, records or memoranda bearing upon such sales by any such person and may require the attendance of such person or any officer or employee of such person, or of any person having knowledge of such sales, and may take testimony and require proof for his information. In the conduct of any investigation or hearing, neither the Comptroller nor any employee thereof shall be bound by the technical rules of evidence and no informality in any proceeding, or in the manner of taking testimony, shall invalidate any order, decision, rule or regulation made or approved or confirmed by the Comptroller. The Comptroller or any employee thereof shall have power to administer oaths of such persons or witnesses.

(3) If any person summoned as a witness by the Comptroller or any employee of the Comptroller shall fail to obey such summons or shall refuse to testify or answer any material questions or shall refuse to produce any book, record, paper or other data when required so to do, he shall be deemed guilty of a misdemeanor and punished as hereinafter provided.

(4) Whenever notice of hearing is required by this Act, such notice may be given by the United States registered mail, addressed to the person concerned at his last known address, not less than ten days prior to the day fixed for the hearing.

(5) All hearings provided for in this Act shall be held in the county wherein the person resides or has his or its principal place of business.

Sec. 9. (1) If a person neglects or refuses to make a return and payment as required by this Act, the Comptroller shall make an estimate based upon any information in his

possession or that may come into his possession, of the amount of the gross receipts of the delinquent for the period in respect to which he failed to make return and payment, and upon the basis of said estimated amount compute and assess the tax payable by the delinquent, adding to the sum thus arrived at a penalty equal to ten per cent thereof. Promptly thereafter, the Comptroller shall give to the delinquent written notice of such estimate, tax and penalty, the notice to be served personally or by registered mail. But the delinquent shall have the right to petition for re-assessment of any such tax fund, determined and declared by the Comptroller pursuant to and in accordance with the provisions of this Section.

(2) Any tax assessed by the Comptroller under the foregoing provisions of this subdivision hereof, together with the penalty, if any there be, shall be due and payable from the person to the Comptroller fifteen days after the service upon the person of notice of the assessment of such tax.

(3) Any person against whom an additional assessment is made by the Comptroller, under the provisions of Section 9 hereof, may petition for a re-assessment thereof. Notice of intention to file such a petition or to appear and be heard shall be given by the person to the Comptroller prior to the time the additional assessment becomes due and payable. A petition for such re-assessment may be filed with the Comptroller on or before the date designated in the notice of such additional assessment, whereupon the Comptroller will give notice of such hearing, and fix the date upon which such hearing shall be held. Each such hearing shall be held at the time and place designated in such notice to the person, but the Comptroller shall have power to continue the same from time to time as may be necessary. Each such petition filed with the Comptroller shall set forth specifically and in detail the grounds upon which it is claimed the assessment is erroneous. If no petition for re-assessment is filed with the Comptroller the person may nevertheless appear at the hearing and present his objections orally.

(4) Except in the case of a fraudulent return, or neglect or refusal to make a return, every notice of additional tax proposed to be assessed hereunder shall be mailed to the per-

son within two years after the return was filed or was required to be filed.

(5) All taxes not paid to the Comptroller by the person on the date when the same becomes due and payable, shall bear interest at the rate of one-half of one per cent per calendar month, or fraction thereof, from and after such date until paid.

Sec. 10. (1) In any case in which any tax, interest or penalty imposed under this Act is not paid when due, the Comptroller may file for record in the recorder's office of the county in which the person owing said tax, interest or penalty resides or has his place of business, a notice of lien specifying the amount of the tax, interest or penalty due and the name of the person liable for the same. From the time of filing any such notice the amount of the tax specified in such notice, shall have the force and effect of the lien of a judgment against the person named in said notice of lien for the amount specified in such notice. Such lien may be released by filing for record in the office of the county recorder a release thereof executed by the Comptroller upon payment of the tax, interest and penalties or upon receipt by the Comptroller of security sufficient to secure payment thereof, or by final judgment holding such lien to have been erroneously imposed.

(2) If any person liable for a tax levied hereunder shall sell his or its business or stock of goods or shall quit the business, he shall make a final return under oath within fifteen days after the date of selling or quitting business. His or its successor, if any, shall be required to withhold sufficient of the purchase money to cover the amount of such taxes and interest or penalties due and unpaid until such time as the former owner shall produce a receipt from the Comptroller showing that they have been paid, or a certificate stating that no taxes are due. If the purchaser of a business or stock of goods shall fail to withhold the purchase money as above provided, he shall be personally liable for the payment of the taxes, interest and penalties accrued and unpaid on account of the operation of the business by the former owner and person.

(3) Any tax due and unpaid under the provisions of this Act shall constitute a debt due the State and in any case of failure to pay the tax,

or any portion thereof, or any penalty or interest provided for in this Act, when due, the Comptroller in the name of the State may recover the amount of such tax, penalty and interest by any action at law or other appropriate judicial proceedings. The collection of such tax, penalty and interest shall not be a bar to any prosecution under this Act. In every such action the writ of attachment may issue, and no bond previous or subsequent to the issuance of said attachment, shall be required. In every such action, a certificate by the Comptroller or his agent showing the name of the taxpayer, the date and amount of the assessment and the delinquency of the tax sued for, shall be prima facie evidence of the levy of said tax, of the delinquency, of the liability of the tax payer and the nonpayment thereof, and of compliance by the Comptroller with all of the provisions of this Act with respect to the computation and levy of this tax, and in every such suit the process, pleadings and practice shall be except as in this Act otherwise specifically provided, according to the provisions of the Revised Civil Statutes of Texas and all amendments thereto.

Sec. 11. (1) It shall be unlawful for any person, persons, or officers to divulge, give out or impart to any other person or persons any information relative to, or the contents of any return filed under this Act, or to permit any other person or persons not connected with his office to see, inspect or examine the same; and it shall be unlawful for any person or officer to use any return filed under this Act, or to permit any other person or persons not connected with his office to see, inspect or examine the same; and it shall be unlawful for any person or officer to use any return filed under this Act in any manner whatever in connection with or for the purpose of assessing property tax or determining the amount of assessment of any person or corporation, or to use the same in any way in making up an assessment roll. It shall be unlawful for the Comptroller, deputy, agent or clerk to in any way permit the inspection of any such return or to use the same in any way in making assessments other than the assessment of the tax provided for in this Act, and any person violating the provisions of this Section shall be deemed guilty of a misdemeanor; pro-

vided, however, that this Section shall not prohibit the Comptroller nor any agent, clerk or inspector from giving evidence in court in any proceeding brought to collect any tax due hereunder, or to punish any taxpayer for the making of a false or fraudulent returns.

(2) It shall be the duty of the Legislature to appropriate and set aside funds sufficient for the use of the Comptroller of Public Accounts to make any refund of taxes required by this Act or by final judgment of Court.

Sec. 12. (1) Any person failing or refusing to furnish any return hereby required to be made, or failing or refusing to furnish a supplemental return or other data reasonably required by the Comptroller, shall be deemed guilty of a misdemeanor, and punished by fine not less than Ten (\$10.00) Dollars nor more than One Thousand (\$1,000.00) Dollars.

(2) Any person who wilfully makes a false return, or who wilfully makes a false statement in any return under oath or otherwise filed with or transmitted to the Comptroller, relating to the amount of any sales or tax due under this Act, shall be deemed guilty of a misdemeanor, and punished by fine not less than Ten (\$10.00) Dollars nor more than One Thousand (\$1,000.00) Dollars.

Sec. 13. All funds arising through the operation of this law shall be paid when collected by the Comptroller into the State Treasury and credited as follows:

One-fourth thereof to the Available School Fund; three-fourths thereof to the Old Age Assistance Fund.

Sec. 14. If any Section, Subsection, sentence, clause, phrase, word or words of this Act ever be held to be for any reason unconstitutional or invalid by any court, such holding shall not in any manner affect the remaining portions hereof, and it is hereby declared to be the intention of the Legislature to have enacted such remaining portions not held unconstitutional or invalid irrespective of such holding.

Sec. 15. The funds herein collected shall be in addition to all other funds now collected, and this Act is cumulative of all other Acts now in force which have as their purpose the collection of revenues for the Available School Fund and the Old Age Assistance Fund.

Sec. 16. The fact that the people of the State of Texas have voted by a tremendous majority vote to provide an Old Age Assistance or Pension to persons over the age of sixty-five years and the further fact that it is necessary to levy certain taxes with which to meet the payments provided for under the pension system create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

Question—Shall the amendment be adopted?

MESSAGE FROM THE SENATE

Austin, Texas, May 15, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the following:

H. C. R. No. 122, Granting permission to O. L. Neyland to bring suit against the State of Texas. (With amendment.)

Passed

H. B. No. 1067, A bill to be entitled "An Act providing that the securities issued by the Texas National Guard Armory Board shall be legal and authorized investments for life insurance companies and other concerns, officials and persons, as mentioned on the Act, and for public funds, including sinking funds of cities, school districts and other political corporations or subdivisions of said State, and that such securities shall be eligible to secure the deposit of such public funds and sufficient security, to the extent of their value, for such deposits; providing that a finding of unconstitutionality of any part of this Act shall not affect the remainder, and declaring an emergency."

S. B. No. 11, A bill to be entitled "An Act making an appropriation for the Pease River Flood Control District, etc., and declaring an emergency."

S. B. No. 395, A bill to be entitled "An Act to provide for the safety,

care, comfort, convenience and proper accommodation and transportation of passengers in sleeping cars, parlor cars and chair cars operated on railroads in this State, etc., and declaring an emergency."

S. B. No. 460, A bill to be entitled "An Act validating bonds of any city having a population of more than fifty thousand (50,000) and less than one hundred thousand (100,000), according to the last preceding United States Census, etc.; and which bonds are payable from the levy of ad valorem taxes; authorizing such city to complete its proceedings for the authorization and delivery of such bonds, etc., and declaring an emergency."

S. B. No. 461, A bill to be entitled "An Act providing that any person of good moral character who, on May 22, 1937, had been engaged in the practice of architecture in this State for a period of at least six (6) months prior to said date and who failed to obtain a registration certificate as provided for in Section 7 of Chapter 478, Acts of 1937, Forty-fifth Legislature, may have thirty (30) days from the date upon which this Act goes into effect in which to file with the Board of Architectural Examiners the affidavit, etc., and declaring an emergency."

S. B. No. 115, Returned to the House by authority of House Concurrent Resolution No. 143.

Respectfully,

BOB BARKER,

Secretary of the Senate.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 11, to the Committee on Appropriations.

Senate Bill No. 395, to the Committee on Common Carriers.

Senate Bill No. 460, to the Committee on Municipal and Private Corporations.

Senate Bill No. 461, to the Committee on State Affairs.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. C. R. No. 147, Authorizing certain corrections in House Bill No. 28.

H. C. R. No. 148, Recalling Senate Bill No. 181 from the Governor's office.

S. B. No. 69, "An Act withdrawing from appearing party review in Court of Civil Appeals by means of writ of error, and declaring an emergency."

S. B. No. 402, "An Act granting to all taxpayers in this State discounts for the advance payment of ad valorem taxes due to State and all governmental and political subdivisions and taxing districts of the State as authorized in Section 20, Article 8 of the Constitution of this State, adopted August 23, 1937, and declaring an emergency."

H. B. No. 194, "An Act authorizing the State Board of Barber Examiners to approve agreements fixing minimum prices for barber services and establishing opening and closing hours for barber shops; fixing territorial units for voting such agreement; providing for orders of the Board to remain in effect until replaced by new agreements; providing for the State Board to adopt and enforce rules and orders necessary to administer the Act; etc., and declaring an emergency."

H. B. No. 852, "An Act authorizing the Board of Directors of the Texas Technological College at Lubbock to lease at public auction for oil, gas, sulphur, and/or other mineral development all lands used as experimental stations and all other lands under its exclusive control; providing for the Texas Technological College Special Mineral Fund and the manner it is to be administered; etc., and declaring an emergency."

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and

referred to the appropriate committees, as follows:

By Mr. Burney:

H. B. No. 1087, A bill to be entitled "An Act providing that members of the Commissioners' Court in counties having a population of not less than thirteen thousand, five hundred and thirteen (13,513) nor more than thirteen thousand, five hundred and thirty-three (13,533), according to the last preceding Federal Census may be reimbursed from the General Fund of the county for traveling expenses actually and necessarily incurred by them in the discharge of their official duties."

Referred to the Committee on Counties.

By Mr. Burney:

H. B. No. 1088, A bill to be entitled "An Act authorizing the Commissioners' Court of Hamilton County, Texas, to provide by order for licenses to be issued to non-residents desiring to hunt quail in Hamilton County, upon payment of a fee of Twenty-five (\$25.00) Dollars per license per annum; providing for disposition of fees collected; and prescribing punishment for hunting quail in Hamilton County without license."

Referred to the Committee on Game and Fisheries.

Mr. Alsup asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1089.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Alsup:

H. B. No. 1089, A bill to be entitled "An Act amending Section 1, of Chapter 80, page 122, Acts of the Forty-second Legislature, Regular Session, so as to more adequately define the powers of the Governor of Texas in appointing the members of the State Commission for the Blind, and declaring an emergency."

Referred to the Committee on State Eleemosynary and Reformatory Institutions.

Mr. Bell asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1090.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Bell, Mr. Thornberry and Mr. Langdon:

H. B. No. 1090, A bill to be entitled "An Act requiring the Board of Regents of the University of Texas to levy Student Union Fees; providing for the collection thereof; providing for the control of the money obtained from said fees, and declaring an emergency."

Referred to the Committee on State Affairs.

Mr. Wood asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1091.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Wood:

H. B. No. 1091, A bill to be entitled "An Act to amend Article 438 of the Penal Code of the State of Texas, 1925, so as to provide that the nepotism law shall not apply in cases where the person employed or working has been so engaged and actually serving at least two (2) years prior to the election of any officer related to the person thus affected, and declaring an emergency."

Referred to the Committee on Judiciary.

ADJOURNMENT

Mr. Anderson moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Kinard moved that the House recess until 7:45 o'clock p. m., today.

The motion to adjourn prevailed, and the House, accordingly, at 6:30 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

State Eleemosynary Institutions: House Bill No. 1089.

Insurance: House Bill No. 710.
Game and Fisheries: Senate Bill No. 155.

Appropriations: House Bill No. 1081; Senate Bill No. 447.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, May 15, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. C. R. No. 144, Granting permis-
sion to Mrs. Harvey Sharp of Wichita
County, Texas, to sue the State of
Texas and/or State Highway Depart-
ment.

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 12, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 1085, A bill to be entitled
"An Act amending Section 5, of House
Bill No. 955, of the Regular Session
of the Forty-sixth Legislature, pre-
scribing taxable values in certain
school districts, and declaring an
emergency."

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 12, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 1080, A bill to be entitled
"An Act to authorize the citizens of
Gregg County to adopt a County
Home Rule Charter, to specify the
requirements for adoption of such
Charter, and declaring an emergency."

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 12, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. C. R. No. 146, Authorizing the
Enrolling Clerk of the House to make

certain corrections in House Bill
No. 9.

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 12, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 723, A bill to be entitled
"An Act making appropriations to
pay miscellaneous claims out of the
General Fund; providing that before
payment of any claim shall be paid
from funds hereby appropriated the
same shall have the approval of the
State Comptroller, the State Auditor,
and the Attorney General, and pro-
vided further that any claim involving
the refund of a franchise tax shall
also carry the approval of the Secre-
tary of State in addition to the other
officials herein named, and declaring
an emergency."

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 15, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. C. R. No. 148, Requesting that
the Governor return Senate Bill No.
181, by Senator Kelley to the House
of Representatives for further consid-
eration.

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 15, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. C. R. No. 147, Instructing the
Enrolling Clerk of the House to make
certain corrections in House Bill
No. 28.

Has carefully compared same and
finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 15, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred

H. B. No. 1079, A bill to be entitled
"An Act to aid the San Jacinto River

Conservation and Reclamation District embracing the Counties of Montgomery, Walker, San Jacinto, and all that part of Liberty County embraced in the San Jacinto Watershed in carrying out the powers, duties and functions conferred upon such District by the Legislature; granting and donating to such District, with limitations, for a period of twenty (20) years, fifty (50%) per cent of all the State ad valorem taxes for General Revenue purposes upon the property and from persons in counties comprising in whole or in part such District, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, May 15, 1939.

Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 147, Instructing the
Enrolling Clerk of the House to make
certain corrections in House Bill No.
28.

Has carefully compared same and
finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 15, 1939.

Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 148, Requesting that
the Governor return Senate Bill No.
181, by Senator Kelley to the House
of Representatives for further consid-
eration.

Has carefully compared same and
finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 15, 1939.

Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 994, "An Act validating
and confirming all procedure in the
organization and establishing of cer-
tain school districts, in certain coun-
ties; validating all acts and pro-
cedure of school boards and/or County

Commissioners' Courts in such dis-
tricts; making such Act cumulative of
all laws and parts of laws not in
conflict herewith, and declaring an
emergency."

Has carefully compared same and
finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 15, 1939.

Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 1003, "An Act to fix the
salaries and compensation of County
Commissioners' in counties with a tax-
able valuation of not less than Fifty-
one Million, One Hundred Thousand
(\$51,100,000.00) Dollars nor more
than Fifty-one Million, Four Hundred
Thousand (\$51,400,000.00) Dollars
taxable valuation for county purposes
according to the valuation as shown
on the County Tax Assessor-Col-
lector's rolls for the current year of
1938; providing salary to be fixed by
the Commissioners' Court; and pro-
viding for payment of such salaries
and the funds from which such sal-
aries shall be paid; repealing all laws
in conflict herewith, and declaring an
emergency."

Has carefully compared same and
finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 15, 1939.

Hon. R. Emmett Morse Speaker of
the House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 1007, "An Act providing
that in all counties in the State of
Texas having a population of three
hundred thousand (300,000) inhab-
itants or more, and less than three
hundred and fifty-five thousand (355,-
000) inhabitants, according to the last
preceding Federal Census, and where
such counties have purchased and
adopted voting machines for the pur-
pose of holding elections, the County
Auditor, upon order of the Commis-
sioners' Court, shall advertise for bids
for the hauling and/or transporting
voting machines to the various pre-
cincts in the county; providing that
the Commissioners' Court shall award
contract to the lowest and best bid-
der; providing that the Commis-
sioners' Court shall reserve the right to

reject any and all bids; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, May 12, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1032, "An Act authorizing incorporated cities, towns, or villages, independent school districts, common school districts, drainage districts, water control and improvement districts, water improvement districts, or navigation districts in this State to avail themselves of the services of

County Tax Assessors and Collectors; fixing the compensation of said county officers for said services; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

SENT TO THE GOVERNOR

May 15, 1939

House Bill No. 994.

House Bill No. 1003.

House Bill No. 1007.

House Bill No. 1032.

House Concurrent Resolution No. 147.

House Concurrent Resolution No. 148.

In Memory of
Mr. Will Pratt

Mr. Smith of Hopkins offered the following resolution:

H. S. R. No. 281, In memory of Mr. Will Pratt.

Whereas, The Members of the House of Representatives have learned with regret of the untimely death Friday morning of Mr. Will Pratt, an honorable and esteemed citizen of Delta County; and

Whereas, The deceased was the brother-in-law of our esteemed Member and colleague, the Honorable Troy E. Kern; and

Whereas, The deceased was a man possessing a most lovable, admirable personality and splendid traits of character; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That the Members thereof regret exceedingly the untimely passing of that worthy man and deeply sympathize with his bereaved family in this their hour of sadness and sorrow; and, be it further

Resolved, That a copy of this resolution be spread upon the House Journal of today, and when the House adjourns today that it do so in respect and in memory of the deceased; and, be it further

Resolved, That copies of this resolution, under the gold seal of the House of Representatives, be sent to the members of the family.

SMITH of Hopkins,
ALSUP.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Boethel, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurtry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Morris, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.